



City of Petersburg Virginia

www.petersburgva.gov

City Council Meeting

December 17, 2024
Petersburg Library
201 W. Washington Street
Petersburg, VA 23803
5:00 PM

City Council

Samuel Parham, Mayor – Ward 3
Darrin Hill, Vice Mayor – Ward 2
Marlow Jones, Councilor – Ward 1
Charles Cuthbert, Jr., Councilor – Ward 4
W. Howard Myers, Councilor – Ward 5
Annette Smith-Lee, Councilor – Ward 6
Arnold Westbrook, Jr., Councilor – Ward 7

City Administration

John "March" Altman, Jr. - City Manager
Anthony Williams - City Attorney
Tangi R. Hill - City Clerk

-
1. **Roll Call**
 2. **Prayer**
 3. **Pledge of Allegiance**
 4. **Determination of the Presence of a Quorum**
 5. **Proclamations/Recognitions/Presentation of Ceremonial Proclamations**
 - a. Proclamation Recognizing Chair Tammy Alexander for Over a Decade of Service with the Planning Commission - Page 4
 - b. Proclamation in Memory of Curtis Lyons - Page 5
 - c. Proclamation in Memory of Mr. Howard and Mrs. Patricia Fitzgerald, Sr. - Page 6
 - d. Presentation of Certificate of Appreciation to the Petersburg Chapter of The Links, Inc. - Page 7
 6. **Presentations**
 - a. Presentation by Christa Donohue, Executive Director, Read To Them - Pages 8-17
 - b. Presentation of 2024 Annual Comprehensive Financial Report (ACFR) by Robinson, Farmer & Cox
 7. **Responses to Previous Public Information Posted**
 8. **Approval of Consent Agenda (to include minutes of previous meetings):**
 - a. Minutes of Previous Meetings:
November 19, 2024 Closed Session - Pages 18-21
 - b. Adoption of the 2025 Petersburg City Council Meeting Calendar - Pages 22-26
 - c. Appointment of Afton Pryor to the Capital Area's Community Action Agency "CAPUP" Board of Directors - Pages 27-30
 9. **Official Public Hearings**
 - a. Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 31-72

- b. Public Hearing of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Alternative Financial Institution/Short-Term Loan Establishment and Small Box Discount Store Uses Within the City - Pages 73-148
- c. Public Hearing to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Tire Sale and Service Uses Within the City - Pages 149-168
- d. Public Hearing for the Consideration of an Ordinance to Amend and Reenact Section 86-31, Limitation on the Number of Pawn Shops, Article II - Pawnbrokers, and of Chapter 86, Secondhand Goods of the Petersburg City Code - Pages 169-170
- e. Public Hearing for the Consideration of an Ordinance to Amend the City Charter to Add Section 2-1.2 to Provide for Non-Partisan Elections of Members of Council - Pages 171-173
- f. Public Hearing for the Consideration of an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes - Pages 174-187
- g. Public Hearing for Consideration of an Appropriation/Grant from the VA Department of Housing and Community Development (DHCD)/Main Street Program - Pages 188-191

10. Public Information Period

A public information period, limited in time to 30 minutes, shall be part of an Order of Business at each regular council meeting. Each speaker shall be a resident or business owner of the City and shall be limited to three minutes. No speaker will be permitted to speak on any item scheduled for consideration on the regular docket of the meeting at which the speaker is to speak. The order of speakers, limited by the 30-minute time period, shall be determined as follows:

- a. **First, in chronological order of the notice, persons who have notified the Clerk no later than 12:00 noon of the day of the meeting,**
- b. **Second, in chronological order of their sign up, persons who have signed a sign-up sheet placed by the Clerk in the rear of the meeting room prior to the meeting removed from consent agenda**

11. Business or reports from the Mayor or other Members of City Council

12. Items removed from Consent Agenda

13. Finance and Budget Report

- a. Department of Finance Monthly Update - Pages 192-198

14. Unfinished Business

- a. Consideration of an Ordinance to Amend and Re-Adopt the FY25 Petersburg City Public Schools Budget to Allocate Additional Funds for Food Service Upgrades, to Include Capital & Operational Improvements - Pages 199-213

15. New Business

- a. Resolution Accepting the Donation of Trees from Virginia State University for Farmer Street Park - Pages 214-219

16. City Manager's Report and Special Reports

17. Business or reports from the Clerk

18. Business or reports from the City Attorney

19. Adjournment

Office of the Mayor

Petersburg



Virginia

Proclamation

**PROCLAMATION OF APPRECIATION FOR SERVICE
PLANNING COMMISSION CHAIRMAN TAMMY ALEXANDER**

WHEREAS, Tammy Alexander was appointed to the Planning Commission on March 23, 2010, and has served with dedication and distinction for more than 14 years with more than five years as chair; and

WHEREAS, Tammy has demonstrated an unwavering commitment to the goals and responsibilities of the Planning Commission, guiding and shaping our community with both wisdom and care; and

WHEREAS, her fellow Planning Commissioners have noted Tammy’s exemplary leadership, particularly her skill in running meetings efficiently and effectively, and setting a standard for professionalism, preparation, and respectful discourse; and

WHEREAS, Tammy’s positive attitude and steady hand have provided invaluable support and stability throughout her tenure, serving as a model for civic service; and

WHEREAS, Tammy has exemplified integrity by knowing when to acknowledge and learn from mistakes, embodying humility and commitment to the improvement of the Commission’s work.

NOW, THEREFORE, BE IT PROCLAIMED, that the City of Petersburg City Council formally recognize and extend their deepest appreciation to Tammy Alexander for her exemplary service, leadership, and dedication to the community.

BE IT FURTHER PROCLAIMED, that Tammy’s legacy of service will continue to inspire future Commissioners, setting a high standard for public service and commitment to the community’s well-being.

NOW, THEREFORE, I, Mayor Samuel Parham, on behalf of the Petersburg City Council, do hereby recognize

TAMMY ALEXANDER

in the City of Petersburg.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Petersburg to be affixed this 17th day of December, 2024.

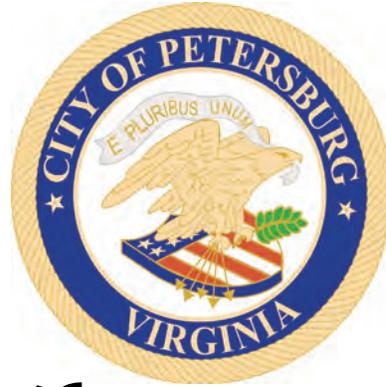
Mayor

ATTEST:

Clerk of Council

Office of the Mayor

Petersburg



Virginia

Proclamation

PROCLAMATION IN MEMORY OF CURTIS LYONS

WHEREAS, the City of Petersburg, Virginia, mourns the passing of a beloved son, Curtis Lyons, whose remarkable journey through life touched countless hearts and left an indelible mark on our community; and

WHEREAS, Curtis was a man of deep roots in Petersburg, a place he cherished and proudly called home, while also leaving a legacy that reached all the way to Hollywood, inspiring those who dreamed of greatness; and

WHEREAS, through his unwavering willpower and determination, Curtis set a blueprint for success, demonstrating that with choice and commitment, anyone can achieve their dreams; and

WHEREAS, he embodied the spirit of love and generosity, always putting family and friends first, and his unselfish nature served as a beacon of hope and encouragement for all who knew him; and

WHEREAS, Curtis’s infectious spirit, kindness, and unwavering support for his loved ones will forever be etched in our hearts, reminding us of the profound impact one individual can have on the lives of many; and

WHEREAS, as we gather to celebrate his life, let us honor his memory by embracing his legacy of love, resilience, and the belief that we all have the power to choose greatness in our own lives.

NOW, THEREFORE, I, the Honorable Mayor Samuel Parham, along with Councilman Marlow Jones, and the entire City Council, do hereby proclaim this day in memory of Curtis Lyons, a true pillar of our community. We send our love and support to his family during this difficult time, urging all citizens of Petersburg to join in honoring his life and the values he represented. May we carry forward his spirit of love and determination, ensuring that his legacy continues to inspire future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Petersburg to be affixed this 17th day of December, 2024.



Mayor

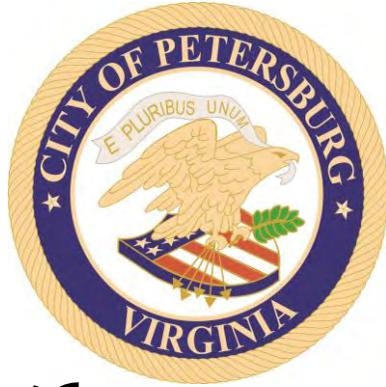
ATTEST:



Clerk of Council

Office of the Mayor

Petersburg



Virginia

Proclamation

**PROCLAMATION IN LOVING MEMORY OF
MR. HOWARD AND MRS. PATRICIA FITZGERALD, SR.**

WHEREAS, we gather to honor the cherished memories of Mr. Howard and Mrs. Patricia Fitzgerald, Sr., long-time residents of Petersburg, Virginia, who graced our community with their presence in Ward 1 and Ward 2; and

WHEREAS, their unwavering dedication to the betterment of Petersburg was a testament to their character, as they selflessly worked to uplift those around them, inspiring countless individuals through their acts of kindness and service; and

WHEREAS, as beloved members of the Berkeley Manor neighborhood, they fostered a spirit of unity and compassion, turning their home into a haven of support and friendship, where all were welcome; and

WHEREAS, although they may no longer walk among us, the legacy of Mr. and Mrs. Fitzgerald lives on in the hearts of those they touched, reminding us of the power of community, love, and perseverance.

NOW, THEREFORE, I, the Honorable Mayor Samuel Parham, along with Vice Mayor Darrin Hill, Councilman Marlow Jones, and all members of the City Council, do hereby proclaim this day in loving memory of Mr. Howard and Mrs. Patricia Fitzgerald, Sr. We honor their remarkable lives and the profound impact they had on our city. Let us carry forward their spirit of service and commitment to making Petersburg a brighter place for future generations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Petersburg to be affixed this 17th day of December, 2024.

Mayor

ATTEST:

Clerk of Council

PETERSBURG CITY COUNCIL

CERTIFICATE

OF APPRECIATION

This certificate is awarded to

The Petersburg Chapter of The Links, Incorporated

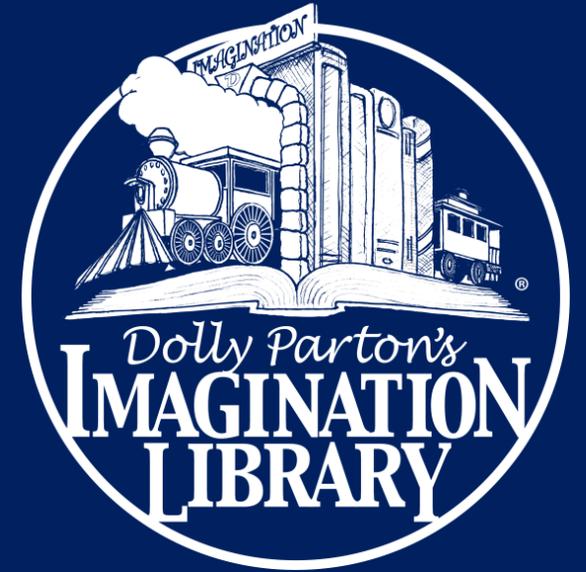
*For Outstanding Volunteer Services and Financial Support To
The Hope Center
Petersburg Public Schools
Petersburg Health Department
Petersburg Public Library
Making a Difference is What Matters*

Awarded this the 17th day of December 2024



Samuel Parham, Mayor

Family Literacy



Petersburg, VA
Launching December 1, 2024



The Read to Them[®] Model

The power of reading aloud

Schoolwide reading programs surround students with literacy:

- at **home**, reading aloud with caregivers
- at **school**, with classroom-based activities
- in the **community**, with participation from civic groups and businesses



We believe that reading aloud to children has the power to change lives.

- Our mission is to ***use the power of reading aloud together to build connections across families, schools, and communities to cultivate students' learning and success.***
- We will continue to do that until we achieve our vision of ***a culture of literacy in every community.***

To do this, we have built three core programs...



One School, One Book[®]



One District, One Book[®]



States Read One Book[®]

Our kids are struggling.



It takes a village to move the needle.

The Petersburg children are facing challenges that can affect their entire lives.

- 72.7% are economically disadvantaged
- Only 43% of students in Petersburg passed the state reading assessment in 2023-24, compared to 73% in Virginia overall

Children who are not reading proficiently in 3rd grade are four times more likely to drop out of high school, and black and Hispanic students living in poverty who are not proficient readers are eight times more likely than proficient readers to drop out of high school.



Dolly Parton's Imagination Library (DPIIL)

Imagination Library reaches more children than any other early childhood book gifting program, and mails free, high-quality, age-appropriate books to children from birth until age five, no matter their family's income.

THE DOLLYWOOD FOUNDATION MISSION

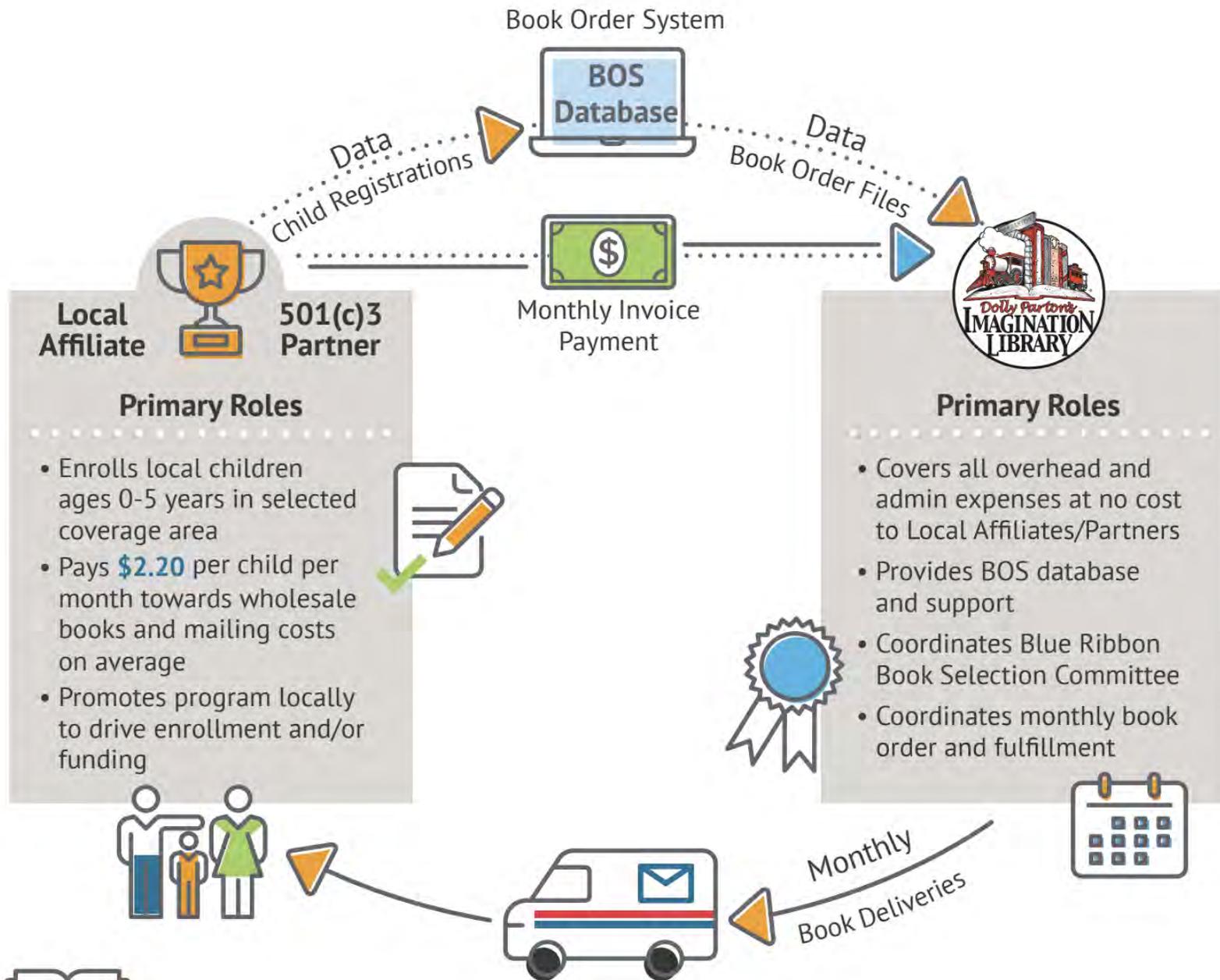
To share the life and legacy of Dolly Parton as an inspiration to all children to Dream More, Learn More, Care More and Be More®.

DOLLY PARTON'S IMAGINATION LIBRARY MISSION

We aspire to firmly establish Dolly Parton and the Imagination Library as the highest quality, most effective, instantly recognized, global book gifting resource that policymakers, early childhood organizations and families trust to help inspire a love of reading and learning in children as we provide the most powerful opportunity for children to dream more.



DPIIL in action



A well-executed Imagination Library requires a whole community working together

- Dolly Parton's Imagination Library
- Affiliates
- Donors/Funders
- United States Postal Service
- Community Partners like libraries, preschools, pediatricians, hospitals

Community partners are key to success

Birth in Color
Bon Secours Southside Medical Center
City of Petersburg
Crater Health District
Commonwealth of Catholic Charities
Communities in Schools – Petersburg
Downtown Petersburg Health Center
First Connections
Institute for Public Health Connections
Resist Bookstore
Reach Out & Read

Petersburg Public Library
Petersburg Public Schools
Petersburg Dept of Social Services
Petersburg Wellness Consortium
Westview Early Learning Center
Thrive Birth to Five (TB5)
United Way
Urban Baby Beginnings
Virginia Statewide Parent Education
Virginia Dept of Health
VPM
YMCA - Petersburg



Ways you can be involved...

We need help with:

- Registering families
- Family engagement
- Fundraising
- Advocacy/policy support for literacy
- Promotion/advertising/marketing
- Other...(What haven't we thought of?)

Dolly Parton's IMAGINATION LIBRARY | **Read to Them**

I can help with:

- Registering families
- Family engagement
- Fundraising

Do you know other potential partners we should connect with? Yes No
If Yes, who? _____

Do you know other potential funders/donors we should connect with? Yes No
If Yes, who? _____

Here is my contact information (I am interested in learning more about this initiative from you.)

Name: _____ Organization: _____ Phone: _____
Email: _____

Thank you for your commitment to early childhood literacy!

Questions?



2201 West Broad Street
Suite 206
Richmond, VA. 23220

Christa Donohue
Christa.Donohue@readtothem.org
804-367-3195



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024
TO: The Honorable Mayor and Members of City Council
THROUGH: March Altman, Jr., City Manager
FROM: Tangi Hill
RE: **Minutes of Previous Meetings:**
November 19, 2024 Closed Session - Pages 18-21

PURPOSE:

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. November 19 2024 Closed Session Minutes

The Closed Session Meeting of the Petersburg City Council was held on Tuesday, November 19, 2024, at the Petersburg Public Library. Mayor Parham called the Closed Session Meeting to order at 4:05 p.m. The meeting video link is <https://petersburgva.new.swagit.com/videos/320700>.

1. ROLL CALL

Present: Council Member Charles H. Cuthbert, Jr
Council Member Howard Myers
Council Member Arnold Westbrook, Jr.
Vice Mayor Darrin Hill
Mayor Samuel Parham

Absent: Council Member Annette Smith-Lee (Late)
Council Member Marlow Jones (Late)

Present from City Administration:
City Manager John March Altman, Jr.
City Attorney Anthony Williams
City Clerk Tangi R. Hill

Mayor Parham entertained a motion to add the Discussion of the Requirements of 58.1-4123 and 58.1-4109, as well as Article 2.4 of Title 62.1 of the Code of Virginia.

Vice Mayor Hill made a motion to add the Discussion of the Requirements of 58.1-4123 and 58.1-4109, as well as Article 2.4 of Title 62.1 of the Code of Virginia. Council Member Myers seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, and Parham; no: N/A; Abstain: N/A.

2. CLOSED SESSION

The purpose of this meeting is to convene in the closed session pursuant to: a). §2.2-3711(A)(7) and (8) of the Code of Virginia for the Purpose of Receiving Legal Advice and Status Update from the City Attorney and Legal Consultation Regarding the Subject of Actual or Probable Litigation and Specific Legal Matters Requiring the Provision of Legal Advice by the City Attorney, Specifically Including but not Limited to Discussion Regarding §54.1-4002 of the Code of Virginia, Legal Matters Requiring the Advice of the City Attorney; and b). §2.2-3711(A)(29) of the Code of Virginia for the Purpose of Discussion Regarding the Subject of Award of a Public Contract Involving the Expenditure of Public Funds, and Discussion of the Terms of Scope of Such Contract, Where Discussion in an Open Session Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body; and c). §2.2-3711(A)(1) of the Code of Virginia for the Purpose of Discussion Pertaining to Performance, Assignment, and

Appointment of Specific Public Employees of the City of Petersburg, Specifically Including but not Limited to Discussion of the Performance, Assignment, and Appointment of Specific Public Officers of the City of Petersburg.

Vice Mayor Hill made a motion that the City Council go into closed session for the purposes noted. Council Member Myers seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting yes: Cuthbert, Myers, Westbrook, Hill, and Parham; no: N/A; Abstain: N/A.

Council entered into Closed Session at 4:08 p.m.

Council Member Smith-Lee arrived.

Council Member Jones arrived.

CERTIFICATION

Council Member Smith-Lee was absent.

Mr. Williams stated, "The Mayor would entertain a motion to conclude the closed session called today to certify in accordance with §2.2-3712 that the Code of Virginia that to the best of each members knowledge that only public business matter lawfully exempted from the opening meeting requirements were discussed and that only such public business matters were identified in the motion by which the closed meeting was convened, heard, discussed, or considered. If any member believes that there was a departure from the foregoing requirements should state prior to the vote indicating the substance for departure in which he believes has occurred. This requires a roll call vote Mr. Mayor."

Vice Mayor Hill made a motion to return the City Council to open session and certify the purposes of the closed session. Council Member Myers seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A

24-RES-___ A RESOLUTION CERTIFYING, AS REQUIRED BY THE CODE OF VIRGINIA, SECTION 2.2-3712, THAT TO THE BEST OF EACH MEMBER'S KNOWLEDGE, ONLY PUBLIC BUSINESS MATTERS LAWFULLY EXEMPTED FROM OPEN MEETING REQUIREMENTS OF VIRGINIA LAW WERE DISCUSSED IN THE CLOSED SESSION, AND ONLY SUCH PUBLIC BUSINESS MATTERS AS WERE IDENTIFIED IN THE MOTION CONVENING THE CLOSED SESSION WERE HEARD, DISCUSSED, OR CONSIDERED.

City Council returned to open session at 5:23 p.m.

OPEN SESSION

Vice Mayor Hill made a motion to add to the agenda a Resolution Certifying “PPE Casino Petersburg, LLC” as the City’s Preferred Casino Gaming Operator Pursuant to §58.1-4109(A) of the Code of Virginia. Council Member Westbrook seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A

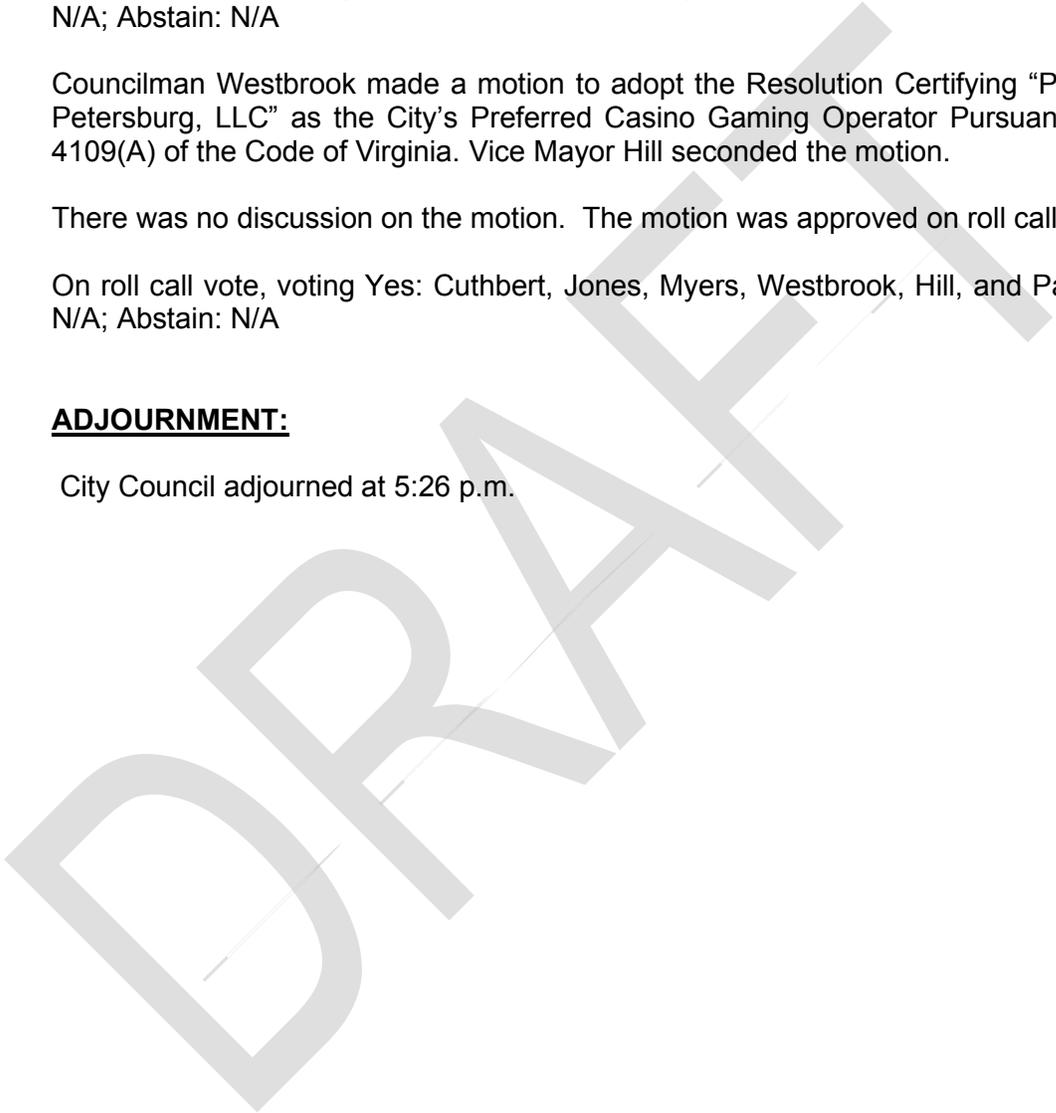
Councilman Westbrook made a motion to adopt the Resolution Certifying “PPE Casino Petersburg, LLC” as the City’s Preferred Casino Gaming Operator Pursuant to §58.1-4109(A) of the Code of Virginia. Vice Mayor Hill seconded the motion.

There was no discussion on the motion. The motion was approved on roll call vote.

On roll call vote, voting Yes: Cuthbert, Jones, Myers, Westbrook, Hill, and Parham; No: N/A; Abstain: N/A

3. ADJOURNMENT:

City Council adjourned at 5:26 p.m.





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Tangi Hill

RE: **Adoption of the 2025 Petersburg City Council Meeting Calendar - Pages 22-26**

PURPOSE:

Pursuant to Code of Virginia § 2.2-3707, meeting notices are posted at least three working days prior to a meeting, except for special meetings which are noticed as soon as reasonable under the circumstances. The City of Petersburg posts its notice of regular public meetings for the calendar year following adoption of the annual meeting calendar. The calendar will be posted on the board near the clerk's office for public viewing and the city's website.

REASON:

Pursuant to Code of Virginia § 2.2-3707, meeting notices are posted at least three working days prior to a meeting, except for special meetings which are noticed as soon as reasonable under the circumstances.

Every public body shall give notice of the date, time, location, and remote location, if required, of its meetings by:

1. Posting such notice on its official public government website, if any;
2. Placing such notice in a prominent public location at which notices are regularly posted; and
3. Placing such notice at the office of the clerk of the public body or, in the case of a public body that has no clerk, at the office of the chief administrator.

RECOMMENDATION: Adopt the proposed City Council meeting calendar.

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2025 Memo of Council Meeting and Work Session



City of Petersburg

Clerk of City Council
City Hall

Suite 210
Petersburg, VA 23803

MEMORANDUM

Date: December 6, 2024

To: All Department Heads

From: Tangi R. Hill, Clerk of Council

Subject: 2025 Council Agenda Schedule and Agenda Request Timeline

Council Meetings:

City Council Meetings are held on the 1st and 3rd Tuesday of each month. There are no meetings during the month of August. The Work Sessions will be on the first Tuesday of the month and the Regular City Council Meetings will take place on the third Tuesday of the month.

Please note that the November Work Session will be held on Wednesday, November 5, 2024 due to Elections Day. There is only one meeting in the month of December, scheduled for the 2nd Tuesday on December 9, 2025.

Agenda Request Deadlines:

Agenda requests and reports are due on Wednesday, two weeks prior to the scheduled council meeting or work session. They will need to be uploaded onto the CivicClerk portal and then approved by administration to be added to the agenda.

Agenda requests and reports for the December 9, 2025 meeting will be due on Monday, November 24, 2025 due to the Thanksgiving holiday.

Notes for Agenda Items:

Some items that require advertisement for public hearings include, but are not limited to disposing of property, vacating of right-of-ways, and changes/additions to City Code.

- Most Public Hearings need to run in the newspaper **twice**.
- If you're unsure if your request requires a public hearing, please send a message to

thill@petersburg-va.org for clarification.

- Changing of an ordinance or resolution will require a first reading at one meeting and then the next meeting will consist of action on the agenda request.
- Any water rates or fees that need to be changed must be introduced at one meeting and then action at the next meeting.
- If you need an additional day to load an agenda item on CivicClerk, please reach out to me.

2025 Calendar

	**Submit Request by this day to add to the agenda on this Council Meeting date to the left.
<u>Council Meeting and Work Session Dates</u>	<u>Agenda Items due by COB</u>
January 7 (Work Session)	December 25
January 21	January 8
February 4 (Work Session)	January 22
February 18	February 5
March 4 (Work Session)	February 19
March 18	March 5
April 1 (Work Session)	March 19
April 15	April 2
May 6 (Work Session)	April 23
May 20	May 7
June 3 (Work Session)	May 21
June 17	June 4
July 1 (Work Session)	June 18
July 15	July 2
September 2 (Work Session)	August 20
September 16	September 3
October 7 (Work Session)	September 24
October 21	October 8
November 5 (Work Session)	October 22
November 18	November 5
December 9	November 24

Cordially,



Tangi R. Hill
Clerk of City Council



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Tangi Hill

RE: **Appointment of Afton Pryor to the Capital Area's Community Action Agency "CAPUP" Board of Directors - Pages 27-30**

PURPOSE: To appoint Afton Pryor to serve on the Capital Area's Community Action Agency "CAPUP" Board of Directors.

REASON: The federal board requires that one-third of CAPUP's members be appointed by the governments of the jurisdictions they serve. At their meeting in October, they appointed someone to their board who lives in Petersburg. They would like to place this appointment in one of their government appointee positions so they might better meet their federal requirement.

RECOMMENDATION: Appoint Afton Pryor to the Capital Area's Community Action Agency "CAPUP" Board of Directors for a 3-year term.

BACKGROUND: Capital Area Partnership Uplifting People, Inc. also known as CAPUP is a nonprofit community action board, founded in 1965. CAPUP's purpose is to reduce poverty and empower low-income families and individuals to become self-sufficient. CAPUP serves the cities of Richmond, Petersburg, Hopewell and the counties of Dinwiddie and Prince George. The bulk of their funding is from the federal community service block grant, established under President Johnson.

As part of their federal board requirements, § 2.2-5403, one-third of the membership of community action boards must be appointed by the governments of the jurisdictions served. The appointment is a volunteer position for a 3-year term. The requirements of the appointment are to be a part of CAPUP's current rebuilding, attend and engage in monthly meetings, and serve on a committee. The time commitment can vary, but with one monthly meeting and some committee work, it might be 4 to 8 hours a month.

CAPUP's website is www.capup.org.

The Virginia regulation for Community Action Boards is <https://law.lis.virginia.gov/vacode/title2.2/chapter54/section2.2-5403/>.

COST TO CITY: N/A

BUDGETED ITEM: N/A

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES: N/A

AFFECTED AGENCIES: N/A

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: N/A

REQUIRED CHANGES TO WORK PROGRAMS: N/A

ATTACHMENTS:

1. Afton Pryor

AFTON V. B. PRYOR

COMMUNITY & MARKETING SPECIALIST

CONTACT

- 804.895.0678
- aftonpryor@icloud.com
- LivLuvAfieB
- 3120 Field Rd, Petersburg, VA 23805

SKILLS

- Data-driven communication
- Problem-solving
- Face-paced, multitask environment
- Collaborative
- results-oriented
- Organizational skills
- Meticulous attention to detail
- Fast-paced learner

EDUCATION

Associates Degree

Richard Bland College

May 2016
Science and Equine Assisted Therapy

High School Diploma

Prince George High School

June 2008
Core Courses for a High School Diploma

CERTIFICATIONS

FiCep Certification

Credit Union National Association

November 2023
Financial Counseling Certification Program

Notary Public

Commonwealth of Virginia

February 2021
Appointed for 4 years

ServSafe Certification

National Restaurant Association

October 2019
Employee Food Safety Certification

PROFILE

Passionate and dedicated team member who excels in cultivating strong relationships, driving brand awareness, and executing impactful campaigns to support organizational growth. Adept at leveraging digital platforms and employing innovative strategies. Possesses a keen understanding of community dynamics and consumer behavior, enabling the creation of tailored solutions that resonate with diverse audiences.

WORK EXPERIENCE

Community Development & Marketing Specialist

Peoples Advantage Federal Credit Union March 2022- Present

- Strategic Community Development: Led branding and marketing initiatives, boosting the credit union's visibility in the community with data.
- Event Coordination: Organized major community events to effectively promote the brand.
- Social Impact Programs: Developed impactful programs to enhance the lives of low-income communities.
- Marketing Planning: Created marketing plans for events and educational outreach.
- Financial Education Management: Oversaw financial education initiatives for employees, members, and community partners.
- Compliance Management: Established and managed strategic relationships to ensure compliance.
- Vendor Management:
- Data-Driven Communication: Facilitated communication within the credit union, contributing to efficient member service.
- Excel Proficiency: Utilized advanced Excel skills for data analysis, reporting, and project tracking.

Electronic Services Specialist

Peoples Advantage Federal Credit Union December 2020- March 2022

- Customer Service Excellence: Provided exceptional service to members, addressing inquiries and concerns promptly.
- Various Electronic Service Management Tasks:
- Dispute Resolution
- ACH Verification
- Member Solutions
- Credit Coaching
- Financial Account Management
- Mobile Deposit Approvals
- Compliance Oversight: Verified SSA & AVS notifications, adding CAM alerts to accounts as needed to ensure compliance.
- Effective Communication: Demonstrated strong communication skills within the credit union to understand better and address member needs.

AFTON V. B. PRYOR

COMMUNITY & MARKETING SPECIALIST

CONTACT

- 804.895.0678
- aftonpryor@icloud.com
- LivLuvAfieB
- 3120 Field Rd, Petersburg, VA 23805

HOBBIES

- RV Camping
- Animal Enthusiast
- Binge-Watching Shows
- Photography
- Crocheting
- Crafting
- Spending Time w/ Family

VOLUNTEERISM

- Peoples Advantage Federal Credit Union Petersburg, VA (2019-Current)
 - Assisted in organizing events and helping within the community.
- Central Virginia Horse Rescue, Brodnax, VA (2016)
 - Assisted in cleaning and caring for horses and other farm animals.
- Disputanta Fire Department, Disputanta, VA (2009-2013)
 - Assisted with special events.
- Carson Library, Carson, VA (2005-2006)
 - Assisted with events and summer story time readings.

REFERENCES

Available Upon Request

WORK EXPERIENCE

Member Services Agent I & II

Peoples Advantage Federal Credit Union November 2019- December 2020

- Customer Service and Account Management: Provided excellent customer service, including opening and managing members' accounts.
- Various Member Service Management Tasks:
 - Financial Advisory
 - Credit Coaching
 - Cash Handling and Transaction Management
 - Vault Management
 - Member Solutions
 - ATM Deposit Processing
- Effective Communication: Demonstrated strong communication skills within the credit union to understand better and address member needs.

Animal Adoption Coordinator & Care Technician

Prince George County Animal Services May 2019-October 2019

- Customer Service Excellence: Provided outstanding customer service to customers, ensuring positive experiences.
- Scheduling & Event Coordination: Created and managed schedules for the facility to ensure efficient operations and successfully organized adoption events.
- Social Media Management: Managed social media accounts, regularly updating and advertising available animals for adoption and upcoming events.
- Invoice Management: Managed incoming invoices and organized them for submission to the Treasures Office, contributing to financial efficiency.
- Animal Handling: Applied hands-on experience with animals, demonstrating a deep understanding of their care and needs.

Photographer/ Editor/ Business Owner

Simply Afton Photography March 2015- Current

- Customer Service Excellence: Provided outstanding customer service to clients, ensuring a positive and collaborative experience.
- Client Communication and Input: Demonstrated a proven ability to communicate effectively with clients, discussing and incorporating their input on desired photo styles.
- Photography Services: Captured, edited, and distributed client photos, ensuring high-quality and personalized results.
- Adobe Lightroom Expertise: Possessed a highly acquired skill with Adobe Lightroom CC, enhancing photos' visual appeal and quality.
- Camera Proficiency: Applied hands-on experience with a Canon Rebel T5i, demonstrating technical proficiency in photography equipment.

More Work Experience Available Upon Request



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing of an Ordinance to Amend and Readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as Set Forth in the Zoning Ordinance of the City of Petersburg Pertaining to Gathering and Event Uses, Including Nightclubs - Pages 31-72**

PURPOSE: The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

REASON: The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. The adoption of the new and updated definitions would allow staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly.

RECOMMENDATION: Planning Commission and staff recommend approval.

BACKGROUND: Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing

nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve people gathering and/or live entertainment. On September 5, staff were directed to bring the proposed changes to public hearing.

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-ZTA-08 Memo
2. 2. Event Uses Final
3. 3. Ordinance 24-ZTA-08
4. 4. Tracked Changes Combined
5. 5. Club Incident Spreadsheet



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: November 2024

TO: City Council

FROM: Planning Commission

RE: 2024-ZTA-08: An ordinance to approve amending and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

EXECUTIVE SUMMARY

The City has dealt with issues over the last several years pertaining to land uses involving events and gatherings during nighttime hours and a lack of distinction between these uses in the Zoning Ordinance. This text amendment is proposed to clarify these uses and equip Staff to effectively enforce the Zoning Ordinance. The proposed amendment will introduce definitions to differentiate between uses and introduce updated standards for new nightclub uses.

CHRONOLOGY OF EVENTS

1. May-October 2024 – The Planning Commission has discussed a possible text amendment updating standards for nightclub uses as well as introducing definitions for several existing uses that involve persons gathering and/or live entertainment. On September 5, Staff were directed to bring the proposed changes to public hearing.

BACKGROUND

Over the last several years, complaints and issues have been raised about certain uses in the City that involve the gathering of large volumes of people, particularly those uses that involve live entertainment. Concerns are shared across City departments and include noise, safety, and proper licensing. While there are similarities between some of the activities involved in these uses, the uses themselves are distinct in nature; uses like restaurants may occasionally feature

music or entertainment, but they are unique from nightclubs or social clubs. Despite the distinctions among these uses, the Zoning Ordinance does not currently include definitions of each use and some of the existing definitions are inadequate. Without the ability to clearly classify and distinguish between the uses, staff is challenged to determine where particular uses and activities are allowed and which standards apply in any given case making it difficult to issue violations or penalties where they may be appropriate.

Additionally, concerns have been raised over some existing nightclubs, particularly with noise and safety. Through review and discussion with the Planning Commission, it was determined that some of the existing standards for nightclubs are inadequate while others may be arbitrary or unnecessary. There are existing nightclubs that are allowed to remain either because they were granted a Special Use Permit or because they have legal nonconforming status, but standards could be updated to ensure that future requests for nightclubs are reviewed on a case-by-case basis and appropriate regulations are applied.

Proposed Changes

The proposed amendment comprises three main components:

- 1) Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- 2) Specify where each use is permitted by-right or by Special Use Permit
- 3) Update standards specific to nightclub uses

The following definitions are proposed to be either introduced or updated for clarification:

- Banquet hall/event facility (new) - A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.
- Community club (updated) - Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.
- Private club (updated) - A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

- Lounge or bar (new) - An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.
- Restaurant (updated) – An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

The adoption of the new and updated definitions would allow Staff to differentiate between nightclubs and other uses that may feature large gatherings or live entertainment and then permit a given use accordingly. The proposed amendment would clarify that the uses defined above are permitted by-right in the B-1 Shopping Center, B-2 General Commercial, B-3 Central Commercial, and M-1, Light Industrial Districts. No changes are proposed to where nightclubs are permitted and they would still be allowed with an approved Special Use Permit in the B-2 and M-1 Districts.

Currently, there are certain standards that apply automatically to any nightclub in addition to any conditions set with the Special Use Permit approval. Proposed changes to nightclub standards consist of both updated and new standards.

The following are proposed updates to existing standards:

- A regulation that stated nightclubs cannot serve food or beverages between 2:00 and 6:00 a.m. is updated to state that alcoholic beverages cannot be served during those hours which will allow food and non-alcoholic beverages to still be served
- A regulation that set the maximum area of a dancefloor is updated to instead require a management plan to be submitted along with any request for a nightclub. The management plan will include staffing levels, floorplans and occupant load

The following are new standards proposed:

- A new application for a nightclub must be accompanied by a security plan that includes provisions for the employment of licensed security personnel as well as procedures for crowd management during and immediately following hours of operation.
- Soundproofing measures are to be incorporated to minimize noise in the nightclub and in surrounding areas.
- A Special Use Permit for a nightclub is subject to automatic review after two years to determine compliance with the conditions of approval.

COMPREHENSIVE PLAN CONSIDERATIONS

The PetersburgNEXT Comprehensive Plan emphasizes the importance of places for people to gather and states that entertainment uses are one of the most desirable non-residential uses in the City. They are noted as uses that serve residents as well as non-residents as a feature of the City’s tourism plans and efforts. Entertainment is listed as a feature of both Community Mixed-

Use and Corridor Commercial Areas as designated on the Future Land Use Map. These areas comprise most of the downtown as well as major commercial corridors.

The goal of the text amendment is to continue to foster uses that allow people to gather and be entertained, but to provide clarity to where and how the uses are permitted and to what standards they are held.

RECOMMENDATION: Staff and Planning Commission recommend approval of the proposed text amendment.

CITY COUNCIL
MEETING

NOVEMBER
2024



2024-ZTA-08:

Consideration of an ordinance to approve amendment and readoption of Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

Background

- Need for clarification/definition of certain uses involving events and gatherings.
- Ongoing discussion since May; brought due to staff concerns, amended based on Commission feedback.

Overview

Components of the proposed amendment:

- A. Introduce and update definitions to distinguish between gathering, entertainment and event-oriented uses
- B. Specify where each use is permitted by-right or by Special Use Permit
- C. Update standards specific to nightclub uses

Unchanged Definitions

Nightclub.

- An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

Live Entertainment

- An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

New/Amended Definitions

Banquet hall/Event Facility.

- A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

Restaurant.

- An establishment primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.

Lounge or bar.

- An area, or room, utilized primarily for the sale of alcoholic beverages for consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

New/Amended Definition cont.

Club, community.

- Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

Club, private.

- A use that provides meeting areas or social facilities for civic or social clubs, and similar organizations and associations, that hold regular meetings or events for dues-paying members and their guests, only. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

Remaining/Amended Use Standards - Nightclubs

Nightclubs allowed in B-2, B-3, and M-1 Zoning Districts with a special use permit; subject to automatic conditions:

- a) A nightclub shall not serve **alcoholic** beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- b) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- c) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- d) The establishment shall maintain a current, active business license at all times while in operation.
- e) The establishment shall remain current on all food beverage taxes and business personal property taxes which may become due while it is in operation.
- ~~f) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

New Use Standards - Nightclubs

An application for a nightclub use shall include a management program with required elements as follows:

- 1) Staffing levels
- 2) Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this floor plan shall be posted on the premises in a prominent location viewable by patrons
- 3) Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.

An application for a nightclub use shall include a security plan with provisions for the following:

- 1) The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted
- 2) Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation

New Use Standards – Nightclubs (cont.)

The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed.

An approved special use permit shall be reviewed after two (2) years for compliance with the conditions of approval.

Changes from former proposals:

- Clarification on hours of operation/ability to serve food/beverages.
- Dance floor maximum removed, each nightclub request to include management program and reviewed case-by-case.
- No requirement for loudspeakers/instruments to cease prior to closing of establishment.
- Event uses other than nightclubs to remain by-right in B-1, B-2, B-3, and M-1 Districts.

Comprehensive Plan Considerations

- Spaces for people to gather are important; entertainment uses are one of the most desired non-residential uses in the City
- These uses are key features of Community Mixed-Use and Corridor Commercial Areas; serve both residents and visitors
- Goal is to foster these uses, but to make sure Ordinance is clear on where and how

Recommendation

- Staff recommends approval.
- Planning Commission recommends approval.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance to amend and readopt Article 3, Definitions, Article 14, B-1 Shopping Center District Regulations, and Article 23, Supplementary Use Regulations – Special Uses, as set forth in the Zoning Ordinance of the City of Petersburg pertaining to gathering and event uses, including nightclubs.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE TO APPROVE AMENDING AND READOPTING ARTICLE 3. – DEFINITIONS, ARTICLE 14. – B-1 SHOPPING CENTER DISTRICT REGULATIONS, AND ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO GATHERING AND EVENT USES, INCLUDING NIGHTCLUBS

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses, which deal, in part, with certain uses that involve persons gathering for events or entertainment; and

WHEREAS, there are a number of undefined or unclearly defined uses in the City that involve events and gatherings which have qualities distinguishing them from one another; and

WHEREAS, classifying of uses for permitting and enforcement of potential violations of the Zoning Ordinance for these uses is currently difficult due to the lack of distinction between uses written in the Zoning Ordinance; and

WHEREAS, City Council has considered updating standards for nightclubs to better address issues and complaints; and

WHEREAS, the City Council approves adopting language to define and distinguish between gathering and event-oriented uses supports updating standards to more effectively regulate nightclub uses the City; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions, Article 14. – B-1 Shopping Center District Regulations, and Article 23 – Supplementary Use Regulations – Special Uses as indicated in Exhibit A.

ARTICLE 3. - DEFINITIONS

Section 1. - General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

(Ord. No. 94-140, 11-15-1994)

Section 2. - Definitions.

Abattoir. A commercial slaughterhouse.

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

Adult book store. A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult entertainment establishment. A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are

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restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Adult video store. A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

Alley. A public way which affords only a secondary means of access to property abutting thereon.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

Apartment house. Same as "dwelling, multiple-family."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

Automobile. A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

Automobile self-service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

Automobile service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

Banquet hall/Event facility. A facility with or without a kitchen, leased for the purpose of hosting private social events that are not open to the general public for gatherings like wedding receptions, meetings, and banquets, with or without live entertainment, where food and/or drink may be consumed on site.

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Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Boardinghouse. A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

Breezeway. A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

Building. Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Buildable width. The width of that part of a lot not included within the open space herein required.

Child-care center. A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

Clinic. An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club, community. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which inures to any individual, and not primarily to render a service which is customarily carried on as a business.

Club, private. A use that provides meeting areas or social facilities for civic or social clubs and similar organizations and associations that hold regular meetings or events for dues-paying members and their guests only. Such establishment shall not be operated for the purpose of carrying on a trade or business and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered. Private clubs shall maintain a current membership log, which is available for view upon request by the City Commissioner of the Revenue.

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Conditional zoning. As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Commission. The planning commission of the City of Petersburg.

Court. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

District. Any section of the City of Petersburg within which the zoning regulations are uniform.

Drive-in restaurant. A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

Driveway. The paved area between a road/street and required parking spaces, which provides an approach to the parking spaces.

Dwelling. Any building, or portion thereof: designed or used for residential purposes.

Dwelling, single-family. A building designed for use, or occupied exclusively, by one family.

Dwelling, two-family. A building designed for, or occupied exclusively, by two families living independently of each other.

Dwelling, multiple-family. A building designed for, or occupied exclusively, by three or more families living independently of each other.

Dwelling, townhouse. One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Family. One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

Family day-care home. Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

Floor area. The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

Frontage.

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

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Garage, private. An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

Garage, storage or parking. A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline service station. Same as automobile self-service station.

Grade.

- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

Guesthouse. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

Hospital. A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

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Hotel, motel. An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

Loading space. A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

Lodging house. Same as "boardinghouse."

Lot. A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

Lot, area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, depth of. The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

Lot, interior. A lot whose side line or lines do not abut upon any street.

Lot, through. An interior lot having frontage on two streets.

Lot of record. A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

Lot, width. The distance between the side lot lines measured at the required front yard line.

Lounge or bar. An area, or room, utilized primarily for the sale of alcoholic beverages for the consumption by patrons on the premises and in which the sale of food is merely incidental to the sale of alcoholic beverages.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

Mini-storage facility, mini-warehouse, or self-storage facility. A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

Mobile food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Mobile home park. Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

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Mobile home space. A plot of ground within a mobile home park designed for accommodation for one mobile home.

Mobile home subdivision. Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

Modular home or unit. An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) ~~A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.~~
- (2) ~~A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.~~
- (3) ~~No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.~~
- (4) ~~The establishment shall maintain a current, active business license at all times while in operation.~~
- (5) ~~The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.~~
- (6) ~~The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.~~

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

Parking space, off-street. An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Premises. A lot, together with all buildings and structures thereon.

Private club. ~~An establishment of a private not for profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.~~

Private nursery school. A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

Proffer. A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

Recreational Substances. Recreational substances includes the following:

- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

Recreational Substances Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances Retail, On-Site Use. Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises **primarily engaged in the preparation and service of food and beverages to patrons for on-site consumption in a permanent, seated dining area.**

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

Rooming house. Same as "boardinghouse."

Sign. A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

Sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

Sign, flashing. Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

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Sign, illuminated. Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Specified anatomical area. As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

Stand-alone used vehicle sales. A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for

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rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

Structural alterations. Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court, auto court. Same as "motel."

Tractor-trailer. A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

Tractor-trailer service station or truck stop. Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

Trailer park, auto trailer camp or mobile home court. That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

Truck. A vehicle with a gross weight of more than five tons.

Vehicle demolisher. Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

Vehicle rebuilder. Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

Vehicle removal operator. Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

Vehicle salvage dealer. Any person who acquires any vehicle for the purpose of reselling any parts thereof.

Vehicle tow lot or storage lot. The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

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Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

Yard, front. A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, side. A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

ARTICLE 14. "B-1" SHOPPING CENTER DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article or set forth elsewhere in this ordinance when referred to in this article, are the regulations of the "B-1" Shopping Center District. The purpose of this district is to provide for attractive and efficient retail shopping facilities of integrated design, in appropriate locations to serve residential neighborhoods. It is intended that the district shall be laid out and developed as a unit, according to an approved plan, so that the purpose of the district may be accomplished.

Section 2. Use regulations.

A building or premises may be used only for the following purposes:

- (1) Retail sale of merchandise, services, recreational areas, parking areas and other facilities, as set forth and described in this section and ordinarily accepted as shopping center use;
 - (2) Uses permitted in the project area, according to residential district regulations in force prior to the establishment of the shopping center district on the tract in question as the only alternative in case the district is not used for the purpose for which it was especially intended, namely a shopping center.
 - (3) Micro-brewery, micro-distillery, micro-winery and/or micro-cidery, with the following conditions:
 - a. No heat may be used in the brewing, distilling wine making or cider making production processes;
 - b. A maximum quantity of 5,000 gallons may be produced each year;
 - c. Alcohol levels in beverages shall be 16 percent or below to minimize combustibility;
 - d. No offensive odors shall be produced; Noise levels will comply with the City's Code regarding noise;
 - e. Development and operations must comply with all relevant codes including alcoholic beverage control, building, health and public safety.
- (1) Banquet hall/Event Facility
 - (2) Restaurant
 - (3) Lounge or bar
 - (4) Club, community or private

Section 3. Ownership control.

In order that the purpose of this district shall be realized, the land and the buildings and appurtenant facilities shall be in a single ownership, or under management or supervision of a central authority; or they shall be subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of this ordinance relating to "B-1" Shopping Center Districts.

Section 4. Procedure.

The owner or owners of any tract of land comprising an area of not less than two acres may submit a plan for the use and development of all or part of the tract for the purposes of, and meeting the requirements set forth in this article, as a separate proposal or as a part of a planned unit development as set forth in article 26. Public hearings shall be held in accordance with procedures in article 28. Any recommendations from the commission to

the city council shall be accompanied by a report, stating the reasons for such recommendation and whether the application meets the requirements of the "B-1" Shopping Center District, as set forth in this article.

Section 5. Special conditions.

The plan for the shopping center district shall show the requirements set forth in this article and shall include the width of right-of-way, and pavement of existing streets; the district shall be developed according to those requirements. In addition, it is hereby specified and required that:

- (1) The aggregate plan area of all buildings proposed shall not exceed 30 percent of the entire lot area of the project; all buildings shall be set back not less than 30 feet from all street lines adjoining the shopping center site;
- (2) Off-street parking spaces shall be provided in the ration of at least one parking space for each 200 square feet of floor area, in the building of the shopping center;
- (3) Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive, or extend into any other public or private drive or street used for traffic circulation;
- (4) The drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting applicable specifications of the director of public works;
- (5) Any part of the project area not used for buildings or other structures, loading and access-ways shall be landscaped with grass, trees, shrubs or pedestrian walks;
- (6) The shopping center buildings shall be designed and built as a whole, unified and single project; but may, however, be built in stages, in accordance with a construction timing schedule approved by the city council. If there is not substantial compliance with the approved schedule, the city council may, after expiration of a period of three years from the date of final approval of the district in question, study conditions and changes of conditions in the area, and after report by the commission, the city council may, by ordinance, reduce the size or eliminate the district from the district map.

Section 6. Additional requirements by the commission.

Before recommending approval of a shopping center district, the commission may make reasonable additional requirements as to utilities, drainage, landscaping, lighting, signs and advertising devices, screening, accessways, curb cuts, traffic control, height of buildings, to protect adjoining residentially zoned lots or residential uses. The plans for the district shall be amended in accordance with these requirements, before being submitted to the city council. If required by the city council, a surety bond shall be filed for, or deposited in escrow with the city, in a sum sufficient to insure completion of special requirements, as may be imposed by the council.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (½) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only- and subject to the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
 - a. A nightclub shall not serve alcoholic beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.;
 - b. A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar;
 - c. No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided;
 - d. The establishment shall maintain a current, active business license at all times while in operation;
 - e. The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation;
 - f. An application for a nightclub use shall include a management program with required elements as follows:
 - 1. Staffing levels;
 - 2. Floor plan showing the general arrangement and seating capacity of tables and bar facilities, dance floor, and standing room areas and capacity; this

- floor plan shall be posted on the premises in a prominent location viewable by patrons;
3. Total occupant load; the total occupant load shall not exceed what is permitted in the Virginia Statewide Building and Fire Prevention Codes as amended.
- g. An application for a nightclub use shall include a security plan with provisions for the following:
 1. The employment of licensed security personnel trained in crowd control, conflict resolution, and emergency response; Security personnel shall be tasked with ensuring occupancy does not exceed what is permitted;
 2. Procedures, features, arrangements, and staffing levels for security and crowd management during and immediately following hours of operation.
 - h. The establishment shall implement soundproofing measures to minimize noise within the establishment and in the surrounding area, to prevent disturbances audible beyond the property line with the doors closed;
 - i. A special use permit granted for a nightclub use shall be subject to review two (2) years after approval for compliance with the conditions of approval.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
 - (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
 - (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
 - (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
 - (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
 - (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
 - (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
 - (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
 - (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
 - (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
 - (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
 - (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
 - (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
 - (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.

- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
 - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
 - b. No exterior alterations to the residence;
 - c. Not transferable;
 - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
 - e. No more than two (2) employees;
 - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
 - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.

Section 4.1. Special use permits for communication towers; criteria and procedures.

(1) *Definitions.*

- a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
- b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
- c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted

PART II - CODE
APPENDIX B - ZONING

antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.

- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
 - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
 - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
 - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
 - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services"

PART II - CODE
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as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

Section 5. [Restrictions upon accessory buildings, cellars and basements.]

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.

May 2023-May 2024

Club Name:	Address	Types of Incidents:									Total number of Incidents:
		Proactive (Police presence, Prop. Check, etc.)	Disturbance	Firearm Related	Larceny, Robbery, etc.	Traffic, Vehicle Related	Fight, Assaults	Noise violation	Off Duty Assignment	Miscellaneous	
Liaison	37 N Crater RD	107	7	2	3	15	6	1	0	4	145
Paradise	1714 E Washington St	12	7	0	1	6	4	0	54	6	90
Andrades	7 Bollingbrook St	37	3	8	1	3	4	10	0	11	77
Mars club 17	118 Mars St	16	4	1	0	2	2	25	2	14	66
Civic	136 River St	12	7	1	3	3	3	1	10	11	51
Good Vibes	3035 S Crater Rd	17	7	0	1	1	1	0	0	10	37
Horseman	2793 S Crater Rd	1	0	0	1	1	1	0	13	3	20
Wabi	29 Bollingbrook Rd	0	2	1	8	1	1	0	0	5	18
Longstreets	302 N Sycamore St	1	4	0	0	3	0	0	1	8	17
Alibi	305 N Sycamore St	0	5	0	0	2	0	0	0	9	16
Trapezium	423 Third St	0	1	0	2	1	0	0	0	5	9
Dreamz	840 E Wythe St	0	0	1	0	0	0	1	0	1	3



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing of an Ordinance to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Alternative Financial Institution/Short-Term Loan Establishment and Small Box Discount Store Uses Within the City - Pages 73-148**

PURPOSE: To regulate short-term loan establishments in the city as well as formalize text and an ordinance to amend the City Code based on action taken by Council in 2021 on alternative financial institutions and small box discount stores (acted on at the same time as short-term loan establishments, but also not formally codified). The proposed ordinance amendment would clarify and expand upon Council’s 2021 action and the Planning Commission has recommended approval.

REASON: With anticipated development coming to the City, there are concerns that there will be an influx of proposals for short-term loan establishments, which place an emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions. These establishments often deal with check cashing, cash advances, motor vehicle title lending, and payday lending.

The proposed text amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options for patrons.

RECOMMENDATION: Planning Commission and Staff recommend approval.

BACKGROUND: At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate short-term loan establishments within the City. In March of 2021, City Council adopted a Zoning Ordinance amendment which defined these establishments as “alternative financial institutions”. The same amendment also introduced a definition of “small box discount stores,” retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item. Per Council’s vote, a Special Use Permit was intended to be required for both uses, but this portion of the amendment was never formally adopted into the Ordinance.

The 2021 Ordinance amendment followed a report by the City’s Economic Development and Planning

Departments that looked at the prevalence of small box discount stores and alternative financial institutions within the City and detailed some of the predatory practices and negative impacts generally associated with those uses. The report included several recommendations for definitions and regulations pertaining to these uses, but some of these items were not captured in Council’s vote.

Staff’s intent with this proposed amendment is to clarify the 2021 policy by including some of the provisions that were not adopted in the Ordinance as well as expanding those provisions to equip the City to deal with any anticipated challenges that may come with future development.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 1. 24-ZTA-10 Memo
2. 2. Payday Loans
3. 3. Ordinance
4. 4. Tracked Changes - Combined
5. 5. Report on Loan Establishments and Discount Stores
6. 2021 Ordinance



City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

MEMORANDUM

DATE: December 2024

TO: City Council

FROM: Planning Commission

RE: A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

EXECUTIVE SUMMARY:

At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate short-term loan establishments within the City. In 2021, City Council amended the Zoning Ordinance to require Special Use Permits for alternative financial institutions. The 2021 amendment also applied to small box discount stores, but the amendment was never incorporated entirely into the Zoning Ordinance. Staff has drafted a proposed ordinance amendment which would clarify and expand upon Council's 2021 action and Planning Commission has recommended approval.

CHRONOLOGY OF EVENTS:

1. October 1, 2024 – City Council voted to direct staff to initiate a zoning ordinance text amendment to regulate short-term loan establishments within the city.
2. October 2024 – Staff conducted research and found that these establishments require a special use permit, but that was never reflected in the Zoning Ordinance (same with small box discount stores).
3. November 7, 2024 – Planning Commission was presented an amendment and recommended approval.

BACKGROUND:

With anticipated development coming to the City, there are concerns that there will be an influx of proposals for short-term loan establishments, which place an emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions. These establishments often deal with check cashing, cash advances, motor vehicle title lending, and payday lending.

In March of 2021, City Council adopted a Zoning Ordinance amendment which defined these establishments as “alternative financial institutions”. The same amendment also introduced a definition of “small box discount stores,” retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item. Per Council’s vote, a Special Use Permit was intended to be required for both uses, but this portion of the amendment was never formally adopted into the Ordinance.

The 2021 Ordinance amendment followed a report by the City’s Economic Development and Planning Departments that looked at the prevalence of small box discount stores and alternative financial institutions within the City and detailed some of the predatory practices and negative impacts generally associated with those uses. The report included several recommendations for definitions and regulations pertaining to these uses, but some of these items were not captured in Council’s vote.

Staff’s intent with this proposed amendment is to clarify the 2021 policy by including some of the provisions that were not adopted in the Ordinance as well as expanding those provisions to equip the City to deal with any anticipated challenges that may come with future development.

Proposed Changes:

The draft Ordinance amendment comprises the following changes:

Short-term loan establishments:

- Redefine “alternative financial institution” as “short-term loan establishment” and include specific language about the types of activities that are covered by the term with references to the Code of Virginia.
- Define “financial institution” and “pawnshop” to differentiate these uses from short-term loan establishments.
- Clarify a Special Use Permit is required for a short-term loan establishment; the use will be limited to the B-2, General Commercial and M-1, Light Industrial Districts only.
- Add requirements for short-term loan establishments to be at least 2,000 feet away from 1) any adult entertainment use, 2) residential use, 3) school, park, or religious assembly use, or 4) existing short-term loan establishment.

Small box discount stores:

- Clarify a Special Use Permit is required for a small box discount store; the use will be limited to the B-1 Shopping Center, B-2, General Commercial, B-3 Central Commercial, M-1, Light Industrial, and MXD-1 and MXD-2, Mixed Use Districts only.
- Add requirements for small box discount stores to 1) be at least two miles from any existing discount store and 2) to include at least 10 percent of floor space dedicated to the sale of fresh foods.

COMPREHENSIVE PLAN CONSIDERATIONS:

Further regulation of these uses appears to be generally supported by the PetersburgNEXT Comprehensive Plan.

The Comprehensive Plan speaks indirectly to both the uses covered in this proposed amendment. The plan underscores the negative effects of predatory lending practices on the City's residents historically, particularly within the context of fair housing, workforce development, and building community wealth. The plan also highlights the lack of access to healthy food in low-income areas or "food deserts" and the importance of attracting sustainable sources of healthy food for all residents.

The proposed text amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options for patrons.

RECOMMENDATION: Planning Commission and staff recommend approval of the proposed text amendment.

CITY COUNCIL
MEETING

DECEMBER
2024



2024-ZTA-10:

A Public Hearing of an ordinance to amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

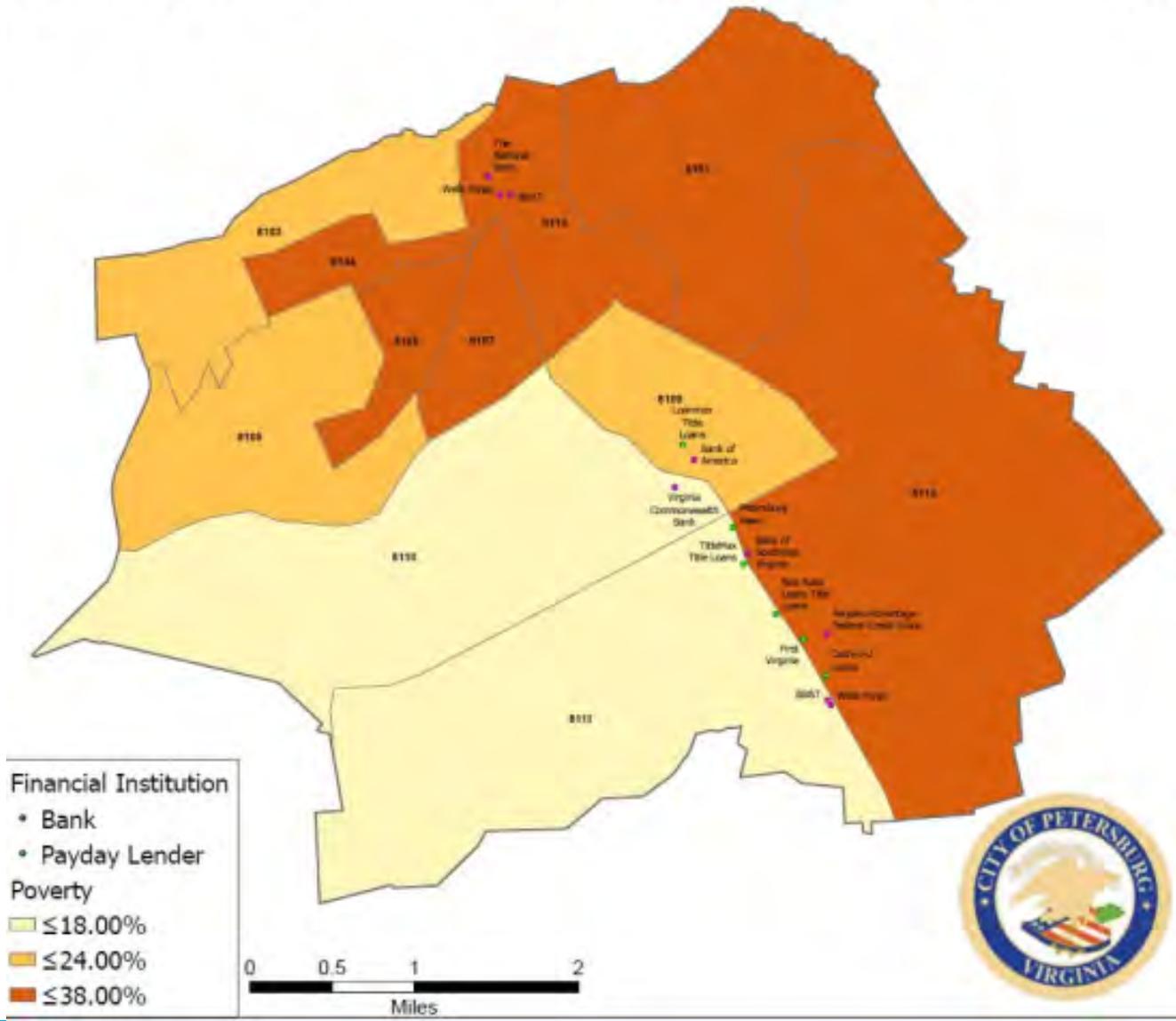
Background

- A 2021 ordinance defined short term loans and small box discount store uses and aimed to require a special use permit for them, but was not adopted in its entirety.
- Short-term loan establishments - emphasis on small-dollar, short-term, high-interest loans as opposed to traditional financial institutions.
- Small box discount stores - retail uses with a floor area less than 12,000 square feet offering convenience shopping goods for less than \$10.00 per item.

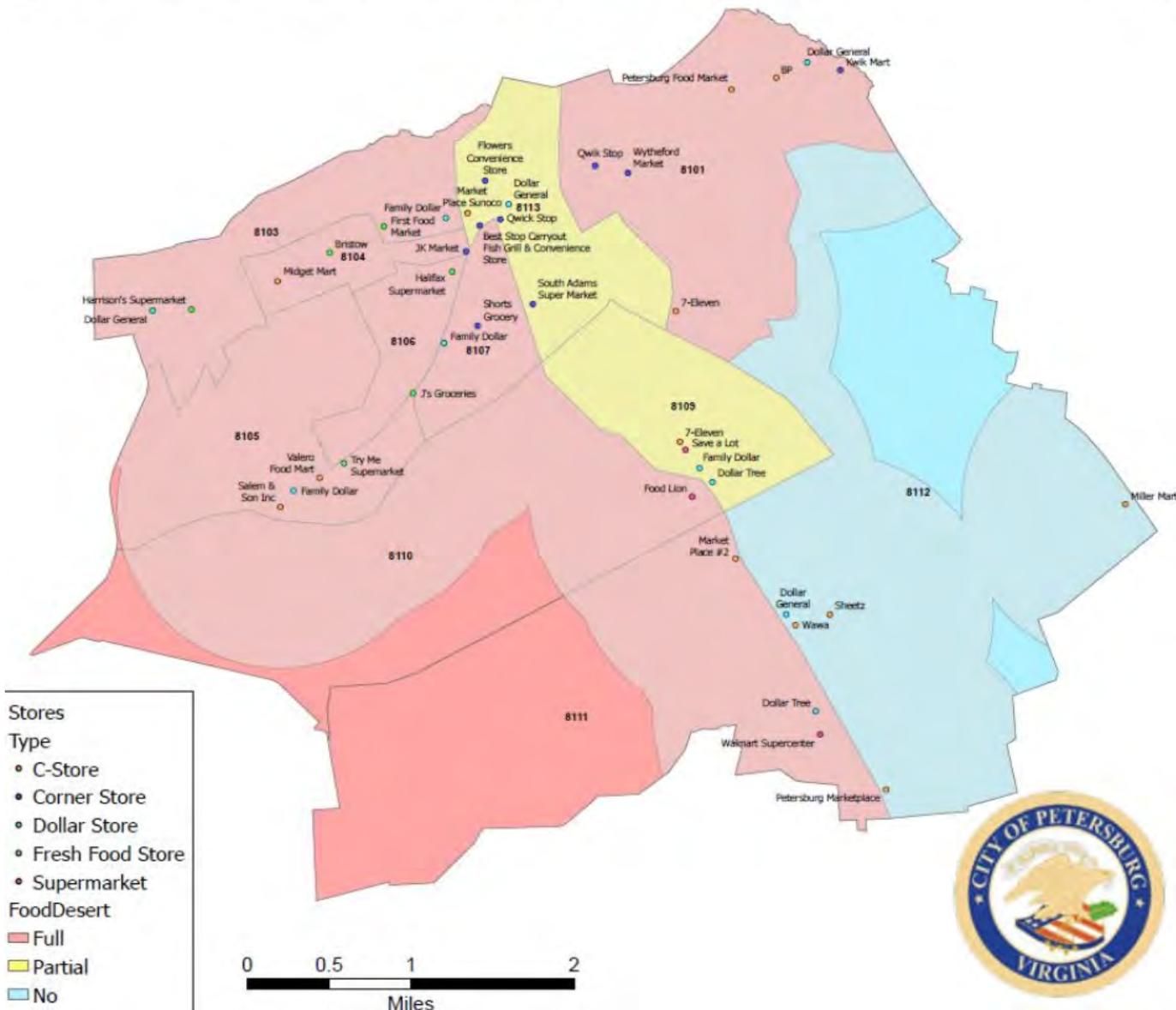
Background

- Uses often concentrated in areas with disproportionately low-income and minority populations.
- Negative effects of such uses include prolonged indebtedness and lack of access to nutritious foods.
- As of 2021, discount stores outnumbered fresh food retailers and short-term loan establishments were almost as common as banks; influx of short-term loan establishments may be anticipated with future development.

City of Petersburg Poverty and Banks and Payday Lenders



Food Desert and Stores: 1-mile radius



Overview

Components of the proposed amendment:

- A. Update and expand on definitions from 2021.
- B. Clarify Special Use Permit is required for both uses.
- C. Incorporate additional standards to address anticipated future challenges.

Definitions

- NEW: Short-term loan establishment - A business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Banks, savings and loans institutions, credit unions, and retail stores, among others, are not considered to be short-term loan establishments.
- Former: **Alternative financial institution - Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.**

Definitions – cont.

- NEW: Financial institution - Any establishment, the primary business of which is concerned with such federal or state regulated activities as banking, savings and loans, and consumer loan companies, not including pawnshops or short-term loan establishments.
- NEW: Pawnshop. Any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.
- EXISTING: Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Use Standards

- Special Use Permit required for both uses.
- Discount stores allowed in B-1, B-2, B-3, M-1, and MXD Districts; new stores must be at least two miles from any existing discount store and must have 10 percent of floor space dedicated to fresh foods.
- Short-term loan establishments limited to B-2 and M-1 Districts; new establishments must be at least 2,000 feet from any adult entertainment establishment, residential use, school, park, or religious assembly use, or existing short-term loan establishment.

Comprehensive Plan Considerations

- Negative effects of predatory lending practices can be seen in the City; there are long-term impacts on fair housing, workforce development, and community wealth goals.
- Many low-income residents do not have ready access to healthy food options; attracting sustainable sources of healthy food for ALL residents is goal.
- The proposed amendment aims to reduce predatory lending practices through additional restrictions on short-term loan establishments and to introduce provisions ensuring that where discount stores are allowed, they are obligated to provide fresh food options.

Recommendation

- Staff recommends approval.
- Planning Commission recommends approval.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to the regulation of alternative financial institution/short-term loan establishment and small box discount store uses within the City.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE APPROVING THE AMENDMENT AND READOPTION OF THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO THE REGULATION OF ALTERNATIVE FINANCIAL INSTITUTION/SHORT-TERM LOAN ESTABLISHMENT AND SMALL BOX DISCOUNT STORE USES WITHIN THE CITY.

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 3.- Definitions and Article 23 – Supplementary Use Regulations – Special Uses, which deal with land uses in the City and regulation of such uses; and

WHEREAS, staff was directed by City Council to draft regulations pertaining to short-term loan establishments within the City; and

WHEREAS, on March 16, 2021 City Council adopted an amendment to the Zoning Ordinance to define “alternative financial institutions” and “small-box discount” stores and to require an approved Special Use Permit for these uses due to the negative impacts of these uses and the concentration of these uses in areas with disproportionately low income and minority populations; and

WHEREAS; the Ordinance was never updated to reflect that a Special Use Permit would be required for these uses; and

WHEREAS; the City Council acknowledges that small-box discount stores typically provide foods with low nutritional value and short-term loan establishments can lead to prolonged indebtedness and increases financial delinquency; and

WHEREAS, the City Council is supportive of regulating short-term loan establishments by requiring separation from any adult entertainment uses, residential uses, schools, parks, or religious assembly uses, and existing short-term loan establishments; and

WHEREAS, the City Council is supportive of regulating small-box discount stores by requiring separation between stores and requiring at least ten (10) percent of floor space to be dedicated to the sale of fresh foods; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve an ordinance amending and readopting Article 3. – Definitions and Article 23.- Supplementary Use Regulations – Special Uses as set forth in the Zoning Ordinance as indicated in Exhibit A.

ARTICLE 3. DEFINITIONS

Section 1. General rules of construction.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

Section 2. Definitions.

Abattoir. A commercial slaughterhouse.

Accessory building. An accessory building is a subordinate building or a portion of the main building, the use of which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) located on the same lot as the main building or principal use of the land.

Accessory use. An accessory use is one which is clearly incidental to or customarily found in connection with, and (except as otherwise provided in this article) on the same lot as the principal use of the premises. When "accessory" is used in the text, it shall have the same meaning as "accessory use."

Adult book store. A commercial establishment which has a substantial or significant portion of its stock in trade, books, magazines, periodicals, films or similar printed materials and which, with respect to the entire premises or a portion or a section of the premises, limits its customers to persons over 18 years of age, or as one of its principal business purposes offers for sale, rental or viewing for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- (2) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult entertainment establishment. A restaurant, nightclub, private club or similar establishment which allows live performances involving persons who are semi-nude. For the purposes of this provision, semi-nude shall mean:

- (1) Less than completely and opaquely covered pubic region, buttocks, or female breasts below a point immediately above the top of the areolae, excepting any portion of the cleavage of the female breast exploited by a dress, shirt, leotard, bathing suit or other wearing apparel, provided the areolae are not exposed, but under no circumstances less than completely covered genitals, anus, or areolae of the female breast;
- (2) Male genitals in a state of arousal, even if completely and opaquely covered.

Any establishment which features such performances shall be deemed to be an adult entertainment establishment. The above restrictions shall not apply to a legitimate theatrical performance where nudity or semi-nudity is only incidental to the primary purpose of the performance.

Adult motion picture theater. A commercial establishment where, for any form of consideration, films (which term shall also include videotapes and other, comparable technology) containing "specified sexual activities" or "specified anatomical areas" ("sexually oriented films") are predominantly shown; or where a predominant number of films are limited to adults only. For the purposes of this section, sexually oriented films will be deemed predominantly shown if they are shown more frequently than other, nonsexually oriented films, or if there is regularly greater audience attendance at such films than at other, nonsexually oriented films. A finding of the zoning administrator that sexually oriented films predominate or that a predominant number of films are

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restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.

Adult video store. A commercial establishment where, for any form of consideration, films, including videotapes/video cassettes, motion pictures, slides and other, comparable technology, containing "specified sexual activities" or "specified anatomical areas" (sexually oriented films) are offered for sale or rent; such films are a substantial portion of the stock-in-trade of such establishment; or where a substantial portion of such films are limited to adults only.

Alley. A public way which affords only a secondary means of access to property abutting thereon.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

~~*Alternative financial institution.* Any check cashing establishment other than a federally or state chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.~~

Apartment. A part of a building containing cooking and housekeeping facilities, consisting of a room or suite of rooms, intended, designed and used as a residence by an individual or a single family.

Apartment house. Same as "dwelling, multiple-family."

Assisted living facility. A residential facility, other than a group home, where more than eight residents who are not related by blood or marriage receive assistance with activities of daily living or therapeutic care, regardless of whether licensed by a governmental agency or not. Assisted living facilities shall only be permitted upon issuance of a special use permit by city council.

Automobile. A motor vehicle designed to transport property and/or persons on its own structure. The term "automobile" shall include, but not be limited to, "passenger car," "pickup truck," "panel truck," "van," or "light truck, with a capacity of four tons or less and having no more than two axles."

Automobile self-service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee, but where automotive repair is not performed. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, nor shall the refueling of such vehicles be permitted, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises.

Automobile service station. Any establishment having pumps and storage tanks at which fuels and oils for automobiles are dispensed or sold at retail, and where dispensing is performed by the customer or an employee. A gasoline service station shall not have parking or refueling facilities for semi-trailer trucks, although semi-trailer trucks may be permitted to park on the site for the purpose of off-loading goods to the businesses located on the premises. In addition, only the following services and sales may be made: sale and servicing of spark plugs, batteries and/or distributors and ignition system parts; replacement or muffler or other exhaust system parts; replacement of coolant hoses, accessory drive belts, windshield wipers or blades, light bulbs or parts; the changing or oil and filters and lubrication of parts; repairs to fuel injectors or related systems; adjustment and repair of brakes; repair of automotive wiring systems; and minor motor repairs not involving the removal of the engine head or crankcase, or transmission; sales of beverages, packaged foods, tobacco products and similar convenience goods for customers, as accessory and incidental to the principal operations; provision of restroom facilities; and state motor vehicle inspections.

Basement. That portion of a building between the floor and ceiling which is wholly or partly below grade, and having more than one-half of its height below grade.

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Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Boardinghouse. A building or portion thereof where no more than six rooms, limited to no more than one occupant each, are rented on a weekly or monthly basis, where renters may share common cooking or bathroom facilities.

Breezeway. A structure, entirely open, except for roof and supporting columns, which connects a residence and an accessory building on the same lot.

Building. Any structure, having a roof supported by columns or walls, for the housing or enclosure of persons or property of any kind.

Building, height of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roof.

Buildable width. The width of that part of a lot not included within the open space herein required.

Child-care center. A facility operated for the purpose of providing care, protection and guidance to a group of ten or more children separated from their parents or guardian during a part of the day only, except:

- (1) A facility required to be licensed as a summer camp under the Code of Virginia, §§ 35-43 through 35-53;
- (2) A public school, unless the commission of welfare and institutions determines that such private schools is operating a child care outside the scope of regular classes;
- (3) A facility which provides child care on a hourly basis, which is contracted for by parent only occasionally;
- (4) A facility operated by a hospital on the hospital's premises, which provides care to the children of the hospital employees while such employees are engaged in performing work for the hospital;
- (5) Sunday School conducted by a religious institution or a facility operated by a religious organization, where children are cared for during short periods of time while persons responsible for such children are attending religious study;
- (6) Those operated as an auxiliary use on the premises of a church or religious institution.

Clinic. An office building or a group of offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for abiding patients.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons, for a social, educational or recreational purpose, but not primarily for profit which insures to any individual, and not primarily to render a service which is customarily carried on as a business.

Conditional zoning. As part of classifying land within a governmental entity into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

Commission. The planning commission of the City of Petersburg.

Court. An open space, which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

District. Any section of the City of Petersburg within which the zoning regulations are uniform.

Drive-in restaurant. A retail food-dispensing and eating establishment where patrons are permitted to park cars on the premises and food or drinks are served to patrons in cars.

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Dwelling. Any building, or portion thereof: designed or used for residential purposes.

Dwelling, single-family. A building designed for use, or occupied exclusively, by one family.

Dwelling, two-family. A building designed for, or occupied exclusively, by two families living independently of each other.

Dwelling, multiple-family. A building designed for, or occupied exclusively, by three or more families living independently of each other.

Dwelling, townhouse. One of a series of from three to 12 attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof: and having diversified architectural facades or treatment of materials on both front and rear of the building group, with not more than four or any 12 abutting townhouses having the same architectural facades and treatment of materials, and with same front and rear setbacks. Minimum setback offset shall be one foot.

Dwelling unit. A room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.

Family. One person, or two or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit with not more than two boarders; or a number of persons, but not exceeding two living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family. The term "person" used herein shall not be construed to include lodger(s) or boarder(s).

Family day-care home. Any private family home in which five to nine children are received for care, protection and guidance during only a part of the 24-hour-day, except children who are related by blood or marriage to the person who maintains the house.

Financial institution. Any establishment, the primary business of which is concerned with such federal or state regulated activities as banking, savings and loans, and consumer loan companies, not including pawnshops or short-term loan establishments.

Floor area. The gross horizontal area of all floors, including basements, cellars and penthouses (but excluding such areas within a building which are used for parking), measured from the exterior faces of the exterior of a building.

Frontage.

- (1) *Street frontage.* All of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street; or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead-end of the street.
- (2) *Lot frontage.* The distance for which the front boundary line of the lot and the street line are coincident.

Garage, private. An accessory building, not exceeding 900 square feet in area, designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle [, such vehicle] of not more than two tons capacity.

Garage, storage or parking. A building, or portion thereof: designed or used exclusively for storage of motor-driven vehicles, and at which motor fuels and oils may be sold without exterior advertising, and where motor-driven vehicles are not equipped, repaired, hired, or sold.

Gasoline service station. Same as automobile self-service station.

Grade.

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- (1) For buildings having a wall or walls adjoining one street only, the elevation of the sidewalk grade at the center of the wall adjoining the street.
- (2) For buildings having a wall or walls adjoining more than one street, the average elevation of the sidewalk grade at the centers of all walls adjoining the streets.
- (3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall parallel to, or within ten degrees of being parallel to and not more than 15 feet from a street line is to be considered as adjoining the street. Sidewalk grades shall be as established by the director of public works.

Group home. As defined within Code of Virginia, § 15.2-2291, (1) a residential facility for which the Department of Behavioral Health and Developmental Services of the Commonwealth is the licensing authority; and, in which no more than eight mentally ill, mentally retarded or developmentally disabled persons reside, with one or more resident or nonresident staff persons or (2) a residential facility in which aged, infirm or disabled persons reside for which the Department of Social Services is the licensing authority in which no more than eight aged, infirm or disabled persons reside, with one or more resident counselors or other staff persons. A group home shall be treated as residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined within Code of Virginia, § 54.1-3401.

Guesthouse. Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises; such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling, and which is carried on wholly within a main building by a member of a family residing on the premises; in connection with which there is no advertising other than an identification sign of not more than one square foot in area; and no other display or storage of materials, or generation of substantial volumes of vehicular or pedestrian traffic or parking demand, or other exterior indication of the home occupation or variation from the residential character of the building; and in connection with which no person outside the resident family is employed, and no equipment used, other than that normally used in connection with a residence. A home occupation shall not include beauty parlors, barbershops, or doctors' or dentists' offices for the treatment of patients, or similar establishments offering services to the general public.

Hospital. A building or group of buildings, having room facilities for one or more abiding patients, used for providing services for the in-patient, medical or surgical care of sick or injured humans, and which may include related facilities, such as laboratories, out-patient department, training facilities, central service facilities, and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use, and must be an integral part of the hospital operation.

Hotel, motel. An establishment primarily engaged in the rental of more than six rooms on a daily basis. As such, it is open to the public in contradistinction to a boardinghouse, rooming house, lodging house or apartment, which are herein separately defined. The term "motel" includes "motor court," "motor hotel," or "motel lodge." The term "hotel" includes "apartment hotel." A hotel or motel shall be deemed to include any establishment which provides residential living accommodations for transients on a short-term basis.

Live entertainment. An accessory use allowing live performances but not limited to, music performances involving amplified music or more than one live instrument, a disc jockey, any form of dancing, karaoke, solo artists and comedians.

Loading space. A space within the main building or on the same lot therewith providing for temporary parking of motor vehicles while transferring, loading or unloading goods, merchandise, or products.

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Lodging house. Same as "boardinghouse."

Lot. A portion or parcel of land devoted to a common use, or occupied by a principal building or group of buildings devoted to common use, together with the customary accessories and open spaces belonging to same, and having its principal frontage on a public street or a private street of record.

Lot, area. The total horizontal area within the lot lines of the lot.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, depth of. The distance from the front street line to the rear lot line, measured in the mean direction of the side lot lines.

Lot, interior. A lot whose side line or lines do not abut upon any street.

Lot, through. An interior lot having frontage on two streets.

Lot of record. A lot which has been recorded in the office of the clerk of the Hustings Court of the City of Petersburg or the Circuit Court of Dinwiddie or Prince George County.

Lot, width. The distance between the side lot lines measured at the required front yard line.

Micro-brewery, micro-distillery, micro-winery and/or micro-cidery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises and which meets all Virginia Alcoholic Beverage Control laws and regulations. The facility may include other uses such as retail sales, tasting rooms and restaurants.

Mini-storage facility, mini-warehouse, or self-storage facility. A facility consisting of individual, small, self-contained units or areas within a building which are rented individually for storage, that is used or is designed to be used for storing household goods, business records or supplies, vehicles or recreational vehicles.

Mobile food unit. A restaurant that is mounted on wheels and readily movable from place to place by an internal engine or that is towed from place to place by a motor vehicle. Mobile food unit shall not include vending carts or other conveyances which are designed to be moved by either human or animal power.

Mobile home. An industrialized building unit which is eight feet or more in width and 32 feet or more in length and is constructed on a chassis for towing to the point of use and designed to be used with or without a foundation for occupancy as a dwelling when connected to required utilities; or two or more such units, separately towable, but designed to be joined together at the point of use to form a single dwelling, and which is designed for removal to and installation or erection on other sites.

Mobile home park. Any plot of ground upon which two or more mobile homes, occupied for dwelling sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Mobile home space. A plot of ground within a mobile home park designed for accommodation for one mobile home.

Mobile home subdivision. Any division of land into three or more lots, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot to be occupied by no more than one mobile home at any one time.

Modular home or unit. An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building, comprising two or more industrialized building units and not designed for ready removal to or installation or erection on another site. For the purpose of this article, a modular unit shall be deemed a single-family dwelling and shall not be deemed a mobile home.

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Nightclub. An establishment where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising. An establishment that serves alcoholic beverages, that provides live entertainment with live music, a disc jockey and a dance floor and that operates late in the evening later than 11:00 p.m.

- (1) A nightclub shall not serve food or beverages to customers between the hours of 2:00 a.m. and 6:00 a.m.
- (2) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (3) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (4) The establishment shall maintain a current, active business license at all times while in operation.
- (5) The establishment shall remain current on all food beverages taxes and business personal property taxes which may become due while it is in operation.
- (6) The area devoted to dance floor shall not exceed 250 square feet or ten percent of total floor area (exclusive of food preparations and service area), whichever is greater.

Nonconforming use. Any building or land lawfully occupied by a use at the time of passage of this article, or amendment thereto, which does not conform after the passage of this article, or amendment thereto, with the use regulations of the district in which it is located.

Parking space, off-street. An all-weather surfaced area, not in the street or alley, and having an area of not less than 180 square feet, exclusive of driveways, permanently reserved for the temporary storage of one automobile, and connected with a street or alley by an all-weather surfaced driveway which affords satisfactory ingress and egress for automobiles.

Pawnshop. Any establishment which loans money on the security of a borrower's personal property held in keeping of the pawnbroker.

Premises. A lot, together with all buildings and structures thereon.

Private club. An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, physical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

Private nursery school. A school operated primarily for the educational instruction of children three to five years of age, at which [school] children three or four years of age do not attend in excess of four hours per day and children five years of age do not attend in excess of six and one-half hours per day.

Private plaza. A multi-purpose area that allows flexibility of space within its boundaries, to include planned and passive activities such as festivals, art events, outdoor movies, staged musical or theatrical entertainment, which may also include fountains, benches, temporary installations, including temporary stages, lighting and sound equipment, recreational facilities, outdoor furniture and seating areas and outdoor seating for restaurants and other eating establishments that surround the plaza.

Proffer. A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed.

Recreational Substances. Recreational substances includes the following:

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- (1) Any product made of tobacco including cigarettes, cigars, smokeless tobacco, and pipe tobacco.
- (2) Any noncombustible product containing nicotine or vaping fluid that employs a heating element, power source, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form.
- (3) Any product, including any raw materials from hemp that are intended to be consumed by inhalation.

Recreational Substances Retail, Off-Site Use: Any establishment, facility, or location whose business operation involves (i) the retail sale of Recreational Substances and (ii) includes Recreational Substances as 25% or more of its total inventory or 15% or more of its total display shelf area.

Recreational Substances Retail, On-Site Use. Any establishment, facility, or location whose business operation allows the on-site use of Recreational Substances.

Restaurant. An establishment where food and beverages are prepared and sold for consumption both on and off the premises, and with customer seating provided on the premises.

Restaurant, carry out. An establishment where food and beverages are prepared for consumption off the premises, and with no customer seating on the premises.

Restaurant, coffee or ice cream shop. A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.

Rooming house. Same as "boardinghouse."

Short-term loan establishment. A business licensed to make payday loans under Chapter 18 of Title 6.2, Code of Virginia, licensed to sell money orders or engage in the business of money transmission under Chapter 19 of Title 6.2, Code of Virginia, registered as a check casher under Chapter 21 of Title 6.2, Code of Virginia, or licensed to make motor vehicle title loans under Chapter 22 of Title 6.2, Code of Virginia. Banks, savings and loans institutions, credit unions, and retail stores, among others, are not considered to be short-term loan establishments.

Sign. A sign is any structure, or part thereof or any device attached to, painted on, or represented on a building, fence or other structure, upon which is displayed or included any letter, work, model, banner, flag, pennant, insignia, decoration, device or representation used as, or which is in the nature of an announcement, direction, advertisement or other attention-directing device. A sign shall not include a similar structure or device located within a building, except illuminated signs within show windows.

Sign area. That area within a line including the outer extremities of all letters, figures, characters and delineations, or within a line, including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it be columns, a pylon or a building, or part thereof shall be included in the sign area.

Sign, flashing. Any illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any revolving illuminated sign shall be considered a flashing sign.

Sign, illuminated. Any sign designed to give forth artificial light, or designed to reflect light from one or more sources of artificial light erected to provide light for the sign.

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Small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

Solar panel, small. Non-commercial/industrial solar energy harvesting equipment designed to be affixed to a pre-existing structure to supplement a primary energy source. The use is permitted in all zoning districts and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Solar farm. Commercial/industrial solar energy harvesting equipment designed to function as standalone structures to provide solar energy as a primary source of electric energy. The use is permitted in A, M-1, and M-2 Zoning Districts, pursuant to an approved special use permit and must conform to any current or future laws and regulations regarding electrical energy harvesting, storage, and distribution. If the proposed location is within a historic district, the use is subject to review by the architectural review board. All solar facilities must comply with Code of Virginia title 15.2, chapter 22, article 7, § 15.2-2288.7.

Specified anatomical area. As used herein, specified anatomical areas means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. As used herein, specified sexual activities means and includes any of the following:

The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

Masturbations, actual or simulated; or

Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.

Stand-alone used vehicle sales. A business which is not a part of and not on the same parcel as a franchised new vehicle sales business, but which is subject to licensing by the Virginia Department of Motor Vehicles as a vehicle dealership.

Stand-alone vehicle repair shop. A business which is engaged in the provision of general repairs to motor vehicles, including the serving or rebuilding of engines and transmissions, vehicle suspensions, vehicle electrical, hydraulic, or fuel systems, or the provision of major overhauls and maintenance, or minor repairs and routine maintenance to vehicles or parts thereof, and the washing or waxing of vehicles either through the use of automated devices or by hand. The term "stand alone vehicle repair shop" shall not include the painting of vehicles, bodywork or framework performed on vehicles. Neither shall the term "stand alone vehicle repair shop" apply to the service shops of franchised new vehicle dealerships licensed as such by the Virginia Department of Motor Vehicles Dealer Services Division.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it; or if there be no floor above it, then the space between such floor and the ceiling next above it.

Story, half. A space under a sloping roof at the top of a building, the floor of which is not more than two feet below the plate, shall be counted as a half-story when not more than 60 percent of said floor area is used for rooms, baths or toilets. A half-story containing an independent apartment or living quarters shall be counted as a full story.

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Street. A public thoroughfare which affords the principal means of access to abutting property.

Street line. A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure. Anything, other than a fence, constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards and posterboards.

Structural alterations. Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Tourist court, auto court. Same as "motel."

Tractor-trailer. A truck equipped with a coupling device to pull trailers, tankers, or semi-trailers, and having a gross vehicular weight of more than five tons. The term "tractor-trailer" shall include, but not be limited to, "tractor truck," and "semi-trailer."

Tractor-trailer service station or truck stop. Any establishment having pumps and storage at which fuels and oils for tractor-trailers, trucks, or buses are dispensed or sold at retail. The facility may also have provisions for the following; tractor trailer, truck, or bus parking; automobile fueling; repair or maintenance of automobiles, trucks, buses, or tractor-trailers; sleeping accommodations; sanitation facilities; or sale of parts or accessories for automobiles or tractor trailers, trucks or buses.

Trailer park, auto trailer camp or mobile home court. That area of land on which two or more trailers or mobile homes being used for living purposes are parked.

Travel trailer. A vehicular, portable structure built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with manufacturers' permanent identification, "travel trailer," thereon and when factory-equipped for the road, being of any weight, provided its gross weight does not exceed 4,500 pounds; or being of any length provided its overall length does not exceed 32 feet.

Truck. A vehicle with a gross weight of more than five tons.

Vehicle demolisher. Any person whose business it is to crush, flatten, or otherwise reduce a vehicle to a state where it can no longer be considered a vehicle.

Vehicle rebuilder. Any person who acquires and repairs, for use on the public highways, two or more salvage vehicles within a twelve-month period.

Vehicle removal operator. Any person who acquires a vehicle for the purpose of reselling it to a demolisher, scrap metal processor, or salvage dealer.

Vehicle salvage dealer. Any person who acquires any vehicle for the purpose of reselling any parts thereof.

Vehicle tow lot or storage lot. The use of a parcel or lot for the temporary storage of damaged, disabled, inoperative, or impounded motor vehicles or machinery. Except as noted below, temporary storage shall be limited to a maximum of 30 days per vehicle unless the vehicle has been abandoned by its owner. Abandoned vehicles may remain on the lot a maximum of 90 days. Maximum storage times shall be extended up to six months if the owner submits certification to the zoning administrator and to the Bureau of Police that legal obligations preclude removal of such vehicles. The term vehicle tow lot or storage lot shall not include junkyards; nor any vehicle or machinery storage on the same property or portion of property as and directly related to any permitted motor vehicle sales, service, repair and rental use, automobile service station, body shop or similar use and permitted as part of that use. The term vehicle tow lot or storage lot shall include the storage of vehicles in association with the operation of wreckers or similar vehicles, and the parking of wreckers whether or not attached to wrecked, damaged, disabled, inoperative, or impounded vehicles.

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Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this article.

Yard, front. A yard extending across the front of a lot between the side yard lines; and being the minimum horizontal distance between the street line and the main building, or any projections thereof: other than the projections of uncovered steps, uncovered balconies, terraces, or uncovered porches. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. A yard extending across the rear of the lot between the side lot lines, and measured between the rear lot lines and the rear of the main building or any projection other than steps, unenclosed porches, or entrance ways.

Yard, side. A yard between the main building and the side line of the lot; extending from the front lot line to the rear yard; and being the minimum horizontal distance between a side lot line and side of the main building, or any projection thereof.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (½) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires if more than two hundred (200) such tires are located on site, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.
- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.

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- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
 - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
 - b. No exterior alterations to the residence;
 - c. Not transferable;
 - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
 - e. No more than two (2) employees;
 - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
 - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.
- (39) Small box discount stores, such to be permitted within the B-1, B-2, B-3, M-1, MXD-1, and MXD-2 Districts only, , with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
 - a. A new small box discount store shall be located at two (2) miles from any existing small box discount store;

- b. A minimum of ten (10) percent of floor space shall be dedicated to the sale of fresh foods as defined by the United States Food and Drug Administration
- (40) Short-term loan establishments, such to be permitted within the B-2 and M-1 Districts only, with the following conditions in addition to any others necessary to safeguard impacts to public health, safety, morals, and general welfare:
 - a. The short-term loan establishment shall be located at least two thousand (2000) feet from any parcel occupied by an adult entertainment establishment;
 - b. The short-term loan establishment shall be located at least two thousand (2000) feet from any residential zoning district or existing residential use;
 - c. The short-term loan establishment shall be located at least-two thousand (2000) feet from any parcel occupied by a religious assembly or institution; a school or child-care center serving students in grades K-12; a public park, public playground, or public recreation and community building; or a public library;
 - d. The short-term loan establishment shall be located at least two thousand (2000) feet from another short-term loan establishment

Section 4.1. Special use permits for communication towers; criteria and procedures.

- (1) *Definitions.*
 - a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
 - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
 - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
 - a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
 - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.

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- c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
 - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.
- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

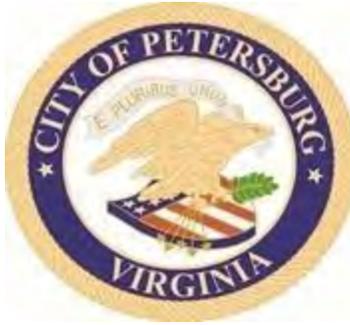
Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

Section 5. [Restrictions upon accessory buildings, cellars and basements.]

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.



Report on Small Box Discount Stores and Alternative Financial Institutions in Petersburg, Virginia

Produced by the Department of Economic Development and the Department of Planning and Community Development. Special thank you to the City Assessor's Office for assisting in generating the GIS maps displayed throughout the document. January 2021.

Executive Summary

The objective of this report is to help define Small Box Discount Stores and other food-related stores in the Zoning Ordinance for Special Use Permitting purposes to help achieve positive health and economic outcomes for the City of Petersburg.

This report found that Small Box Discount Stores, Small Box Retail Stores, and Convenience Stores greatly outnumber Fresh Food Stores and Supermarket. Small Box Discount Stores, also commonly known as dollar-type stores, contribute to poor health and economic outcomes in many communities they are found in. Alternative Financial Institutions were found too to contribute to poor economic outcomes. While these types of stores were not overwhelming found in the poorest parts of Petersburg, as conventional wisdom would indicate, there is still justification in action by the City Council on behalf of the Petersburg community to better regulate food-related stores to better meet the needs of the constituency, which as of the writing of this report rank 133 out of 133 in health outcomes in the Commonwealth of Virginia.

Recommended actions include updating the Zoning Ordinance to define these stores, which are currently not defined at all. A moratorium is recommended on the construction of future dollar-type stores and Alternative Financial Institutions. Special Use Permit requirements are recommended to prevent dollar-type stores and Alternative Financial Institutions from opening within a certain distance of each other. The Special Use Permit for dollar-type stores should also mandate at least 10% of floor space be dedicated to the sale of fresh foods. Additional recommended actions can be found in the 'Proposed Action' section beginning on page 32.

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Preface

From the December 8, 2020 Petersburg, Virginia City Council meeting, City Council discussed the feasibility of Zoning Ordinance amendments to address concerns regarding Dollar Store-style establishments. To meet the requests of Council in understanding the proliferation of these small box discount stores and their implications within the city limits of Petersburg, the following report has been prepared by the Department of Economic Development in conjunction with the Department of Planning and Community Development. Alternative Financial Institutions, more commonly known as Payday and Title Loan companies will also be examined to understand the role these types of businesses play in perpetuating poverty and debt in low-income, minority neighborhoods. This report will attempt to address the following objectives:

- The definition and seriousness of food insecurity and information from the Robert Wood Johnson Foundation report regarding food insecurity in Petersburg
- The number and location of each of these types of businesses in Petersburg
- The general types of products and services provided by these types of businesses
- The number and location of businesses that sell fresh food
- The percentage of small box discount stores compared to big box retail stores, and big box discount stores
- The percentage of alternative financial institutions compared to banking institutions
- Poverty levels in the census tracts where small box discount stores and alternative financial institutions in Petersburg are located
- Other related issues that will help inform the Planning Commission and the City Council

Petersburg, Virginia Demographic Information

Petersburg, Virginia has a population of 31,362 as of 2019 across 22.7 square miles in 12,165 households. The median age of the City is 38.1, which is about the same as Virginia at 38.2 and the United States at 38.1, and a gender distribution of 54% female and 46% male; 51% female in Virginia and the U.S. and 49% male in Virginia and the U.S. Among residents over the age of 25, 36% have high school diplomas, 27% have some college, and 20% have bachelor degrees or more. The median household income is \$38,679 per year which is about half of the median household income of Virginia at \$74,222 and three-fifths of the U.S. at \$62,843. 24.1% of Petersburg residents live below the poverty line, which is more than double the rate in Virginia at 10.6% and 1.5 times more than the rate in the U.S. at 13.4%. 75% of workers commuted to work through an automobile and spent 22.7 minutes on average in-commute, which is less than the average of Virginia at 28.7 minutes and the U.S. at 26.9 minutes. (Census Reporter “Petersburg city, Virginia”)

Food Deserts

Food Deserts are defined by the United States Department of Agriculture as “areas where people have limited access to a variety of healthy and affordable food” and are tracked by the USDA at the Census Tract level. Income, vehicle availability, and access to public transportation are notable characteristics that inform where Food Deserts arise. Expanded criteria for Food Deserts are at least 500 people and/or 33% of the census tract population residing more than 1 mile from a supermarket or large grocery store in urban areas, and more than 10 miles in rural areas. Supermarket / large grocery store in this instance is defined as “food stores with at least \$2 million in sales that contain all the major food departments found in a traditional supermarket.” The USDA report found that Food Deserts are more likely to be found in areas with higher levels

of poverty, regardless of urban or rural status. Food Deserts are also more likely to be found in areas with a larger percentage of minority population. (Dutko et al. “Characteristics and Influential Factors of Food Deserts”)

Petersburg, Virginia is divided into eleven Census Tracts (8101, 8103, 8104, 8105, 8106, 8107, 8109, 8110, 8111, 8112, 8113). As of a 2015 USDA analysis, Tracts 8101, 8103, 8104, 8105, 8106, 8107, 8110, 8111 are full Food Deserts. Tracts 8113 and 8109 are partial Food Deserts. Partial Food Desert means a half-mile rather than a mile from the nearest Supermarket. Only Tract 8112 is not a Food Desert by any definition. (USDA “Food Access Research Atlas”)

According to the Robert Wood Johnson Foundation, the U.S.’s largest philanthropy dedicated to addressing America’s health issues, ranked Petersburg as last, 133 out of 133, in the Commonwealth of Virginia in terms of Health Outcomes. While indicators such as educational attainment, smoking, obesity, physical inactivity, and access to healthcare certainly contribute to the holistic health outcome picture, access to healthy foods and a healthy diet can help address this problem at the source. Petersburg has a ‘Food Environment Index’ of 4 compared to the national index of 8.6 and the Virginia index of 8.9 [NOTE: index rates closer to 0 are worse, and rates closer to 10 are better]. (Robert Wood Johnson Foundation “Petersburg City (PB)”)

Food Deserts can provide a variety of poor health outcomes. Lack of access to healthy foods, such as fresh/raw meats, fish, poultry, and dairy products can contribute to higher incidences of caloric intake, higher intake of saturated and trans fats, added sugars, and excess sodium. Increased consumption of these processed foods can lead to high incidences of obesity, and higher incidences of diabetes just to name a few. (Caporuscio “What are food deserts, and how do they impact health?”)

Small Box Discount Stores Definitions

To understand the role Small Box Discount Stores play in the context of Food Deserts, it is important to understand the nuanced differences between Small Box Discount Stores and other grocery stores; Small Retail Box Stores, Convenience Stores, Fresh Food Stores, Supermarkets, and Wholesale (Big Box) Stores.

Small Box Discount Stores shall be defined as retail space with floor area less than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products and other items with an emphasis on low, fixed sale price points. Small Box Discount Stores do not include retail spaces that contain a prescription pharmacy, sell gasoline or diesel fuel, primarily sell speciality, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars) and dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables.

Small Box Retail Stores are retail space with floor area less than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products. Small Box Retail Stores dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and can include retail space for a prescription pharmacy, and may sell alcoholic beverage products and lottery tickets, and may sell specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). Small Box Retail Stores do not sell gasoline and/or diesel fuel.

Convenience Stores shall be defined as retail space with floor area less than 10,000 square feet that primarily offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products. Convenience

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Stores dedicate less than 15% of the floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables. Convenience Stores may include retail space to sell alcoholic beverage products and lottery tickets. Convenience Stores may sell gasoline and/or diesel fuel and do not sell specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars) and may not provide space for a prescription pharmacy.

Fresh Food Stores shall be defined as retail space with floor area less than 10,000 square feet that primarily offer for sale fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). These items must take up at least 15% of the floor area. Fresh Food Stores may sell food or beverages for off-premise consumption, household products, personal grooming and health products, alcoholic beverages, lottery tickets, a prescription pharmacy, and gasoline and/or diesel fuel.

Supermarkets shall be defined as retail space with floor area greater than 10,000 square feet, that primarily offer for sale fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables, and specialty, artisanal, and gourmet food items (e.g. meat, seafood, cheese or oils and vinegars). Supermarkets may sell food or beverages for off-premise consumption, household products, personal grooming and health products, alcoholic beverages, lottery tickets, and have a prescription pharmacy, but these items shall not take up more than 50% of the designated sales floor area or shelf space. Supermarkets are permitted to have facilities to sell gasoline and/or diesel fuel that do not count towards the sales floor limit.

Wholesale (Big Box) Retail Stores shall be defined as retail space with floor area greater than 10,000 square feet that offer for sale an assortment of goods, including food or beverages for off-premise consumption, household products, personal grooming and health products and other items with an emphasis on bulk purchases. Wholesale Stores may include retail spaces that contain a prescription pharmacy, sell gasoline or diesel fuel, speciality food items (e.g. meat, seafood, cheese

or oils and vinegars) and should dedicate at least 15% of the designated sales floor area or shelf space to fresh (raw) meats, fish, poultry, dairy, fresh fruits and vegetables.

Alternative Financial Institutions Definitions

To understand the impact of Alternative Financial Institutions, it is important to understand how the services they provide differ from traditional Banking Institutions and Credit Unions.

Alternative Financial Institutions shall be defined as financial services provided with an emphasis on a small-dollar, short-term, high-interest basis. This shall include institutions with an emphasis on check cashing, cash advances, motor vehicle title lending, payday lending, and pawn lending. Alternative Financial Institutions do not receive deposits for long-term savings and investment, and these deposits are not insured by the Federal Deposit Insurance Corporation (FDIC).

Banking Institutions shall be defined as financial services provided with an emphasis on long-term, low-interest basis. This shall include services such as checking and savings accounts, loan and mortgage services, automobile financing, credit and debit card services, and certificates of deposit. Banking Institutions shall require Federal Deposit Insurance Corporation (FDIC) insurance of up to \$250,000 for individuals and \$500,000 for jointly held deposits.

Credit Unions shall be defined as financial services provided with an emphasis on a not-for-profit basis. Credit Unions shall be characterized as member-owned-and-operated institutions that provide traditional banking services such as checking and savings accounts, loan and mortgage services, automobile financing, credit and debit card services, and certificates of deposit.

Location of these Businesses

General Information

To understand where Dollar Stores and Alternative Financial Institutions arise, it is important to understand how Petersburg is divided. As described earlier, the USDA uses Census Tracts to track Food Deserts. Utilizing the Census Tract division of Petersburg enables this report to understand the population and poverty levels in the Census Tracts where these stores are located. In the following table are the Census Tracts in Petersburg with demographic information (Census Reporter “Petersburg city, Virginia”):

Census Tract Information - Petersburg, VA					
Census Tract	Population	Square Miles	Median Age	% in Poverty	Food Desert?
Petersburg	31,362	22.7	38.1	24.1%	
8101	2,716	2.4	32.3	33.8%	YES
8103	2,778	1.3	42.5	20.4%	YES
8104	1,367	0.4	29.1	31.5%	YES
8105	3,184	1.8	45.4	20.6%	YES
8106	1,650	0.5	40.3	37.9%	YES
8107	2,205	0.5	43.7	30.0%	YES
8109	3,433	1.1	42.4	18.2%	AT-RISK
8110	4,232	3.8	38.7	17.1%	YES
8111	2,842	4.0	41.0	11.7%	YES
8112	4,121	5.9	31.8	24.8%	NO
8113	2,834	1.1	32.8	34.2%	AT-RISK

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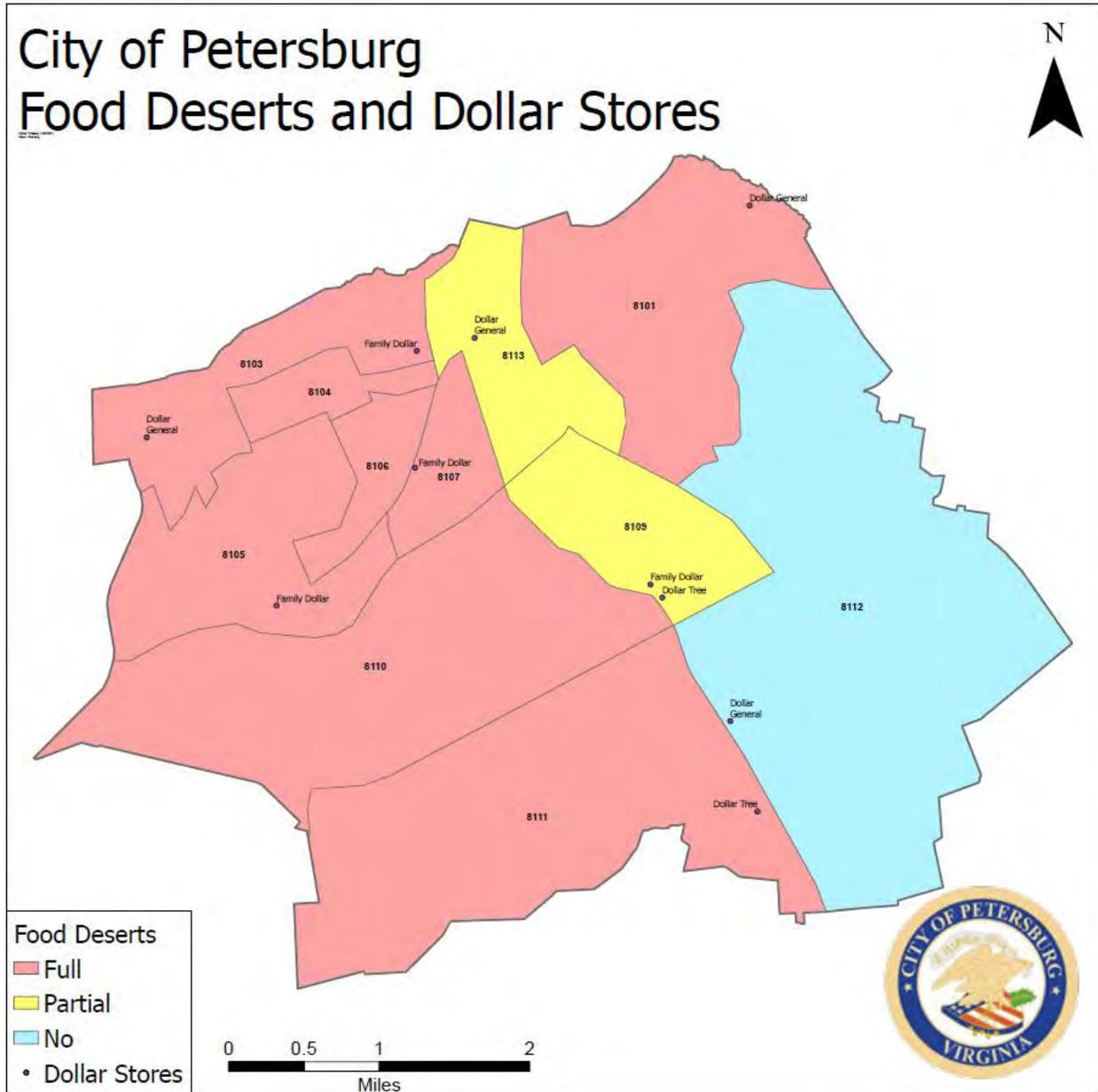
From this, we can see that Census Tract 8106 has the highest poverty rate in Petersburg at 37.9%. Other Census Tracts with poverty rates over the Petersburg average of 24.1% are Tracts 8101 at 33.8%, 8104 at 31.5%, 8107 at 30.0%, 8112 at 24.8%, 8113 at 34.2%. Tracts with Poverty Rates below the average are 8103 at 20.4%, 8105 at 20.6%, 8109 at 18.2%, 8110 at 17.1%, and 8111 at 11.7% - the smallest poverty rate in Petersburg.

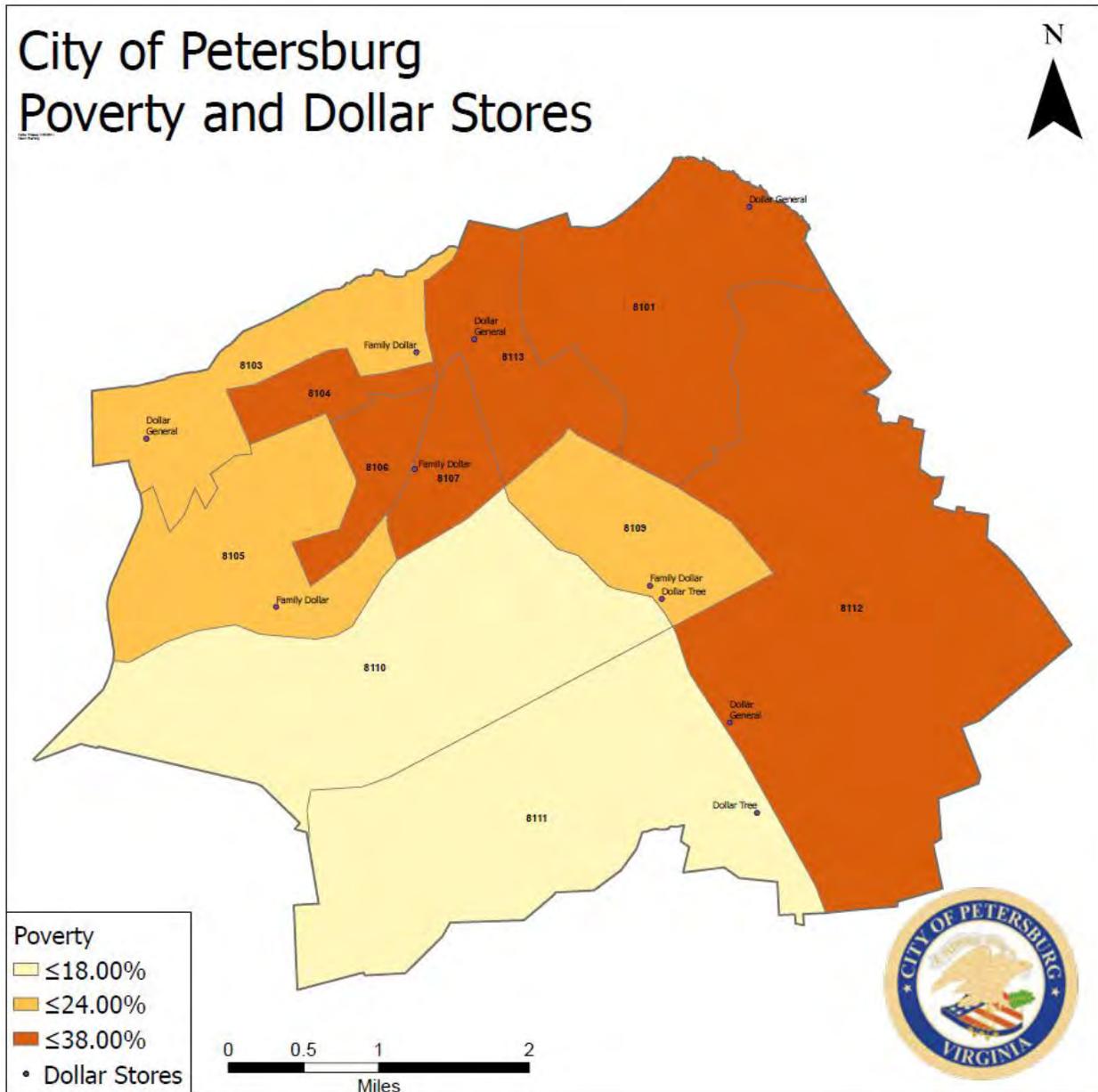
Small Box Discount Stores

In Petersburg, the following table outlines where the currently existing and in-development Small Box Discount Stores are located:

Small Box Discount Stores		
Name	Address	Census Tract (Population / Poverty %)
Dollar Tree	3330 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Proposed Dollar Tree	2141 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
Dollar General	2201 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Dollar General	3105 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Dollar General	2131 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Proposed Dollar General	15 S Adams St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Family Dollar	250 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Family Dollar	798 Halifax St, Petersburg, VA 23803	8107 (2,205 / 30%)
Family Dollar	1847 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)

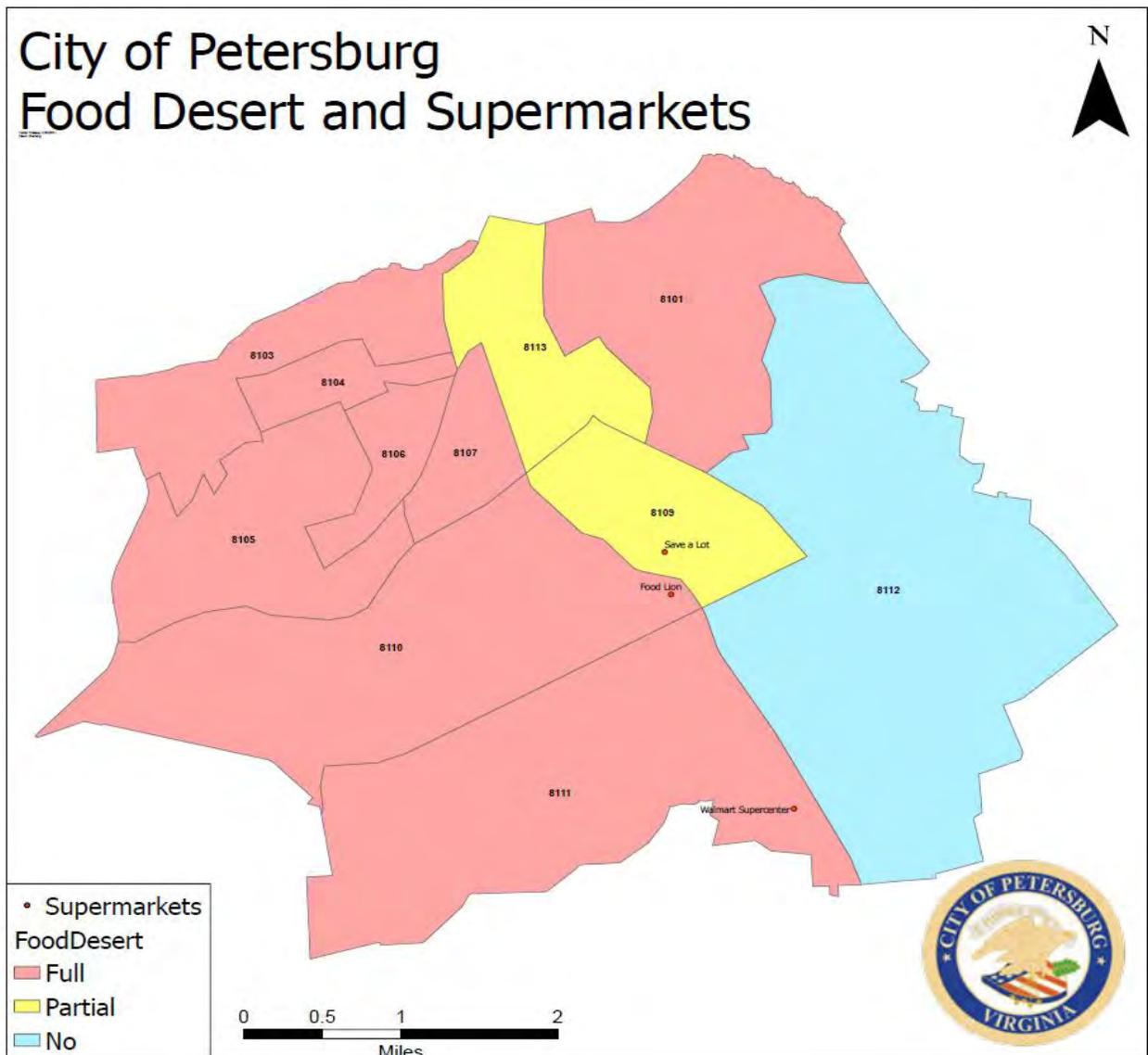
Family Dollar	2075 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
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From this, we can see that Tracts 8110, 8106, 8104 do not have any Small Box Discount Retail Stores. To be sure, 8106, the Census Tract with the highest poverty rate in Petersburg, is among these. 8104 also has a poverty rate above average at 31.5%. Tract 8110 has the second lowest poverty rate at 17.1%. Most notably, four of ten Small Box Discount Retail Stores are located on South Crater Road.

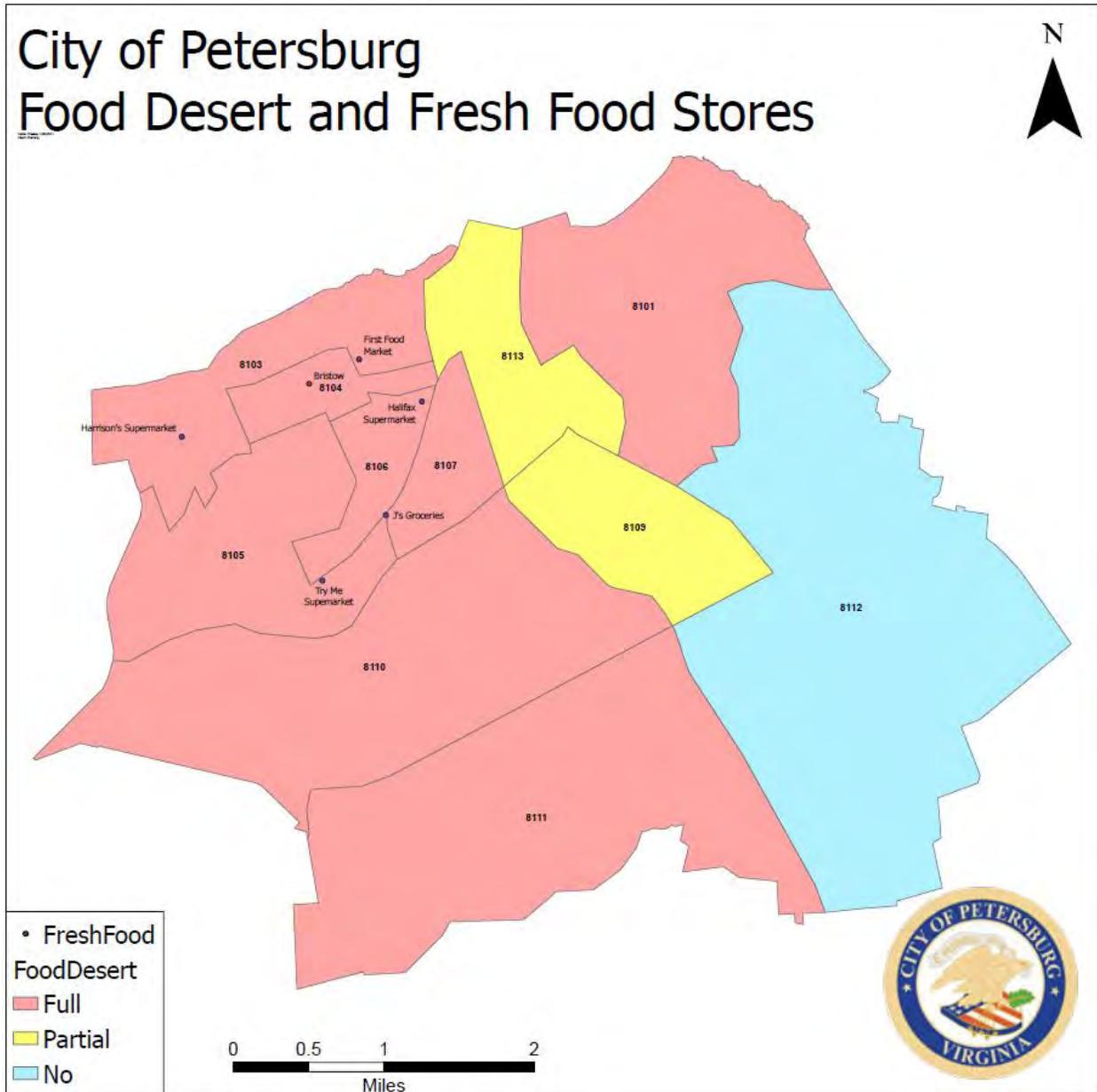
Supermarkets		
Name	Address	Census Tract (Population / Poverty %)
Walmart Supercenter	3500 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Food Lion	2120 S Crater Rd, Petersburg, VA 23805	8110 (4,232 / 17.1%)
Save A Lot	2001-2003 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)



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The three supermarkets in town are located all on South Crater Road in Tracts 8111, 8110, and 8109. Tract 8111, home of the Wal-Mart, is the least impoverished Tract in Petersburg at only 11.7% in poverty. Tract 8110, home of the Food Lion, is the second least impoverished at 17.1% in poverty. Tract 8109, home of the Save-A-Lot, is the third least impoverished at 18.2% impoverished. Despite this, according to the USDA definition of Food Deserts as at least 500 people and/or 33% of the Census Tract population residing more than 1 mile from a supermarket or large grocery store in urban areas, and more than 10 in rural areas, Tracts 8111 and 8110 are Food Deserts.

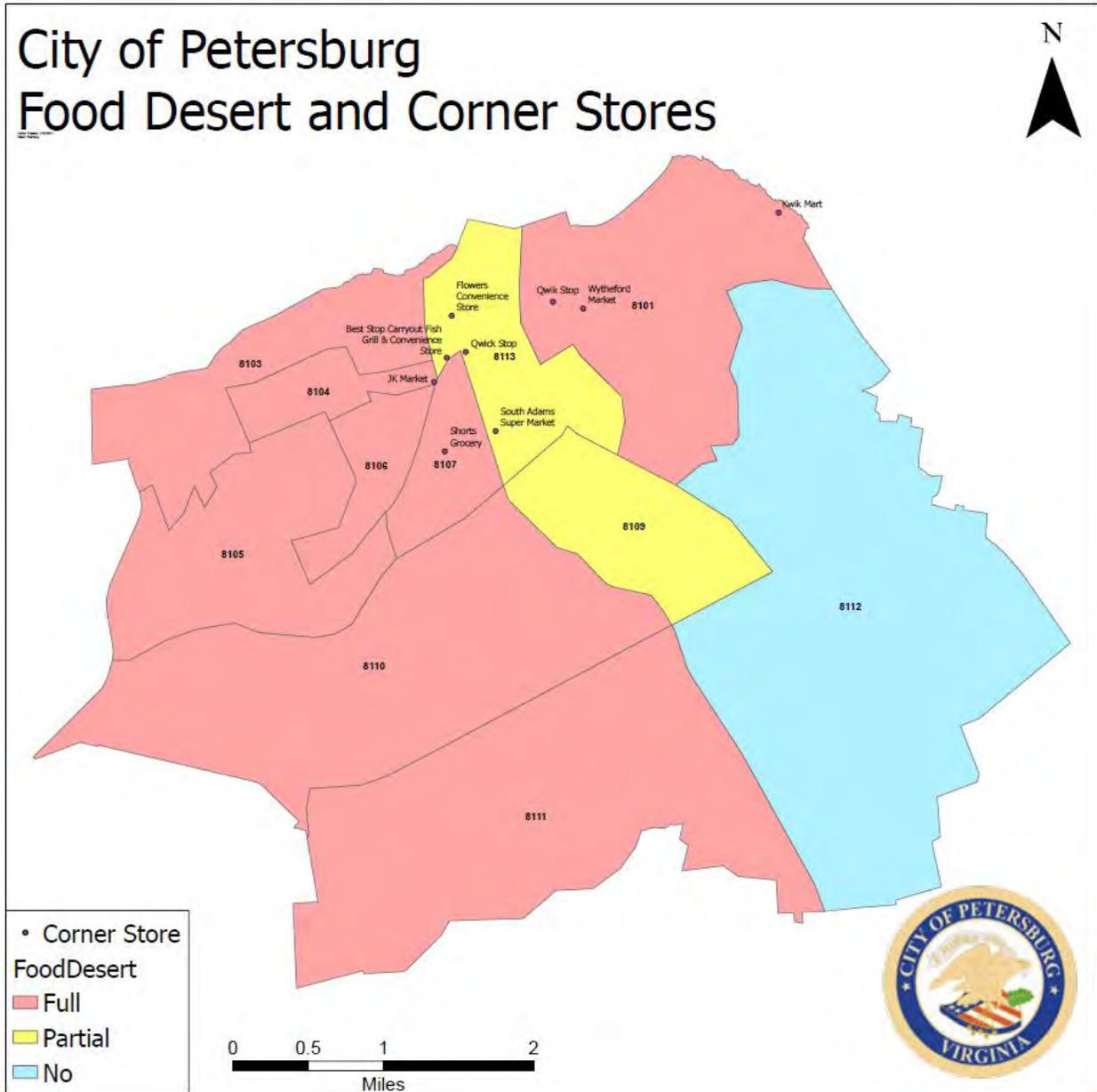
Fresh Food Stores		
Name	Address	Census Tract (Population / Poverty %)
Harrison's Supermarket	1900 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)
Bristow Market	1105 W Washington St, Petersburg, VA 23803	8104 (1,367 / 31.5%)
J's Groceries	1136 Halifax St, Petersburg, VA 23803	8107 (2,205 / 30.0%)
Try Me Supermarket	1614 Halifax St, Petersburg, VA 23803	8105 (3,184 / 20.6%)
Halifax Supermarket	303 Halifax St, Petersburg, VA 23803	8106 (1,650 / 37.9%)
First Food Market	705 W Washington St, Petersburg, VA 23803	8103 (2,778 / 20.4%)



The Fresh Food Store, which are stores that provide a selection of raw meats and fresh fruits and vegetables, but do not meet the qualification of a Supermarket, are located all in the northwestern portion of the City. Because of how the USDA defines Food Deserts, it is difficult to indicate if these Tracts are truly food insecure or not. Five of the six non-South Crater Road Discount Retail Stores are located nearby these Fresh Food locations.

Report on Small Box Discount Stores and Alternative Financial Institutions 16

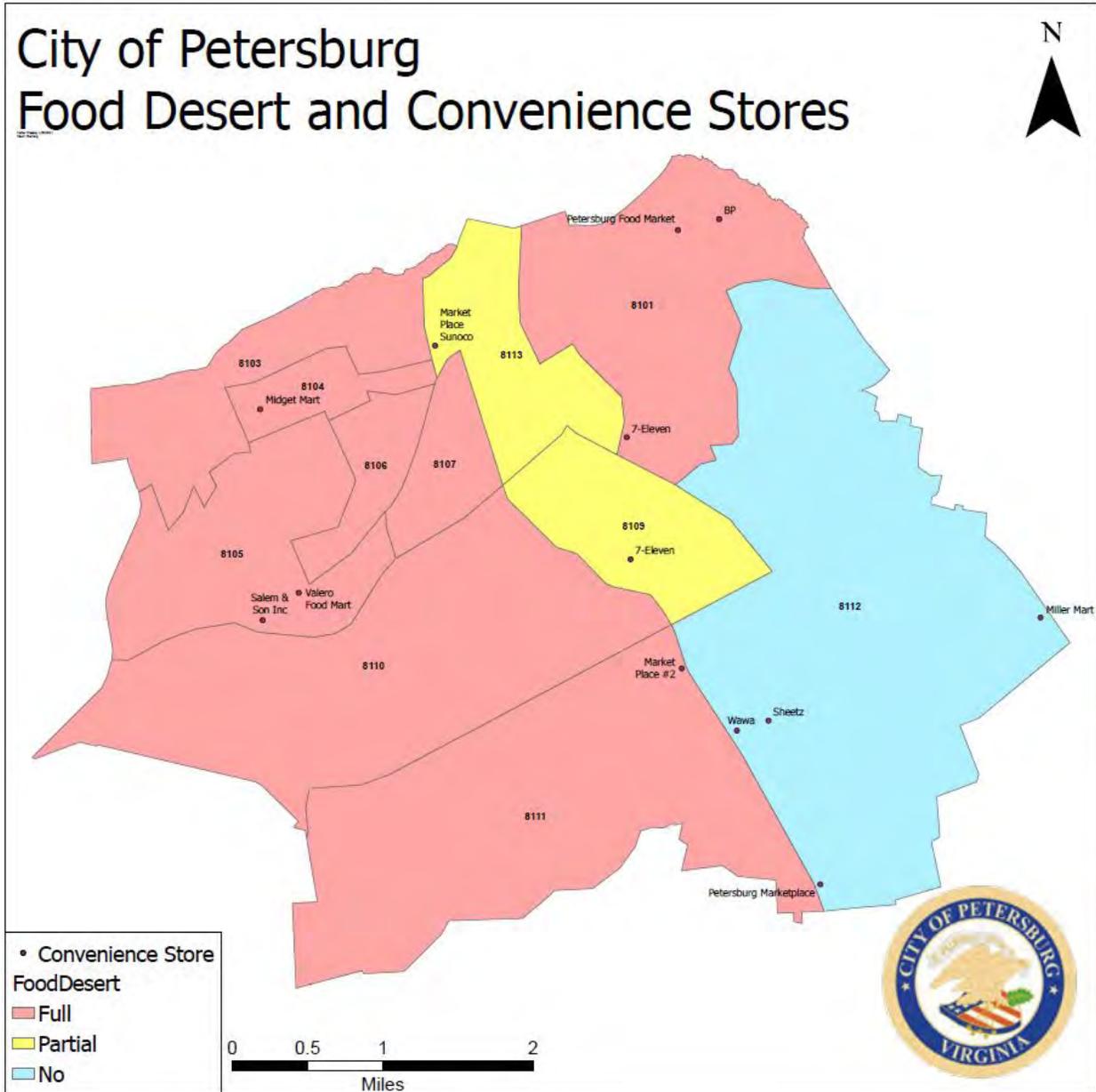
Small Box Retail Stores (Corner Stores)		
Name	Address	Census Tract (Population / Poverty %)
Qwick Stop	8 E Wythe St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Best Stop Carryout Fish Grill & Convenience Store	54 South Union Street, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Kwik Mart	2328 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Shorts Grocery	300 Mistletoe St, Petersburg, VA 23803	8107 (2,205 / 30.0%)
Wytheford Market	840 E Wythe St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
South Adams Super Market	620 S Adams St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Flowers Convenience Store	133 N Sycamore St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
JK Market	211 Halifax St, Petersburg, VA 23803	8104 (1,367 / 31.5%)
Qwik Stop	15 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)



Small Box Retail Stores, commonly referred to as “Corner Stores”, are found largely in the middle of the northern portion of the City. Each of these stores are located in a Census Tract with an above average percentage of people living in poverty.

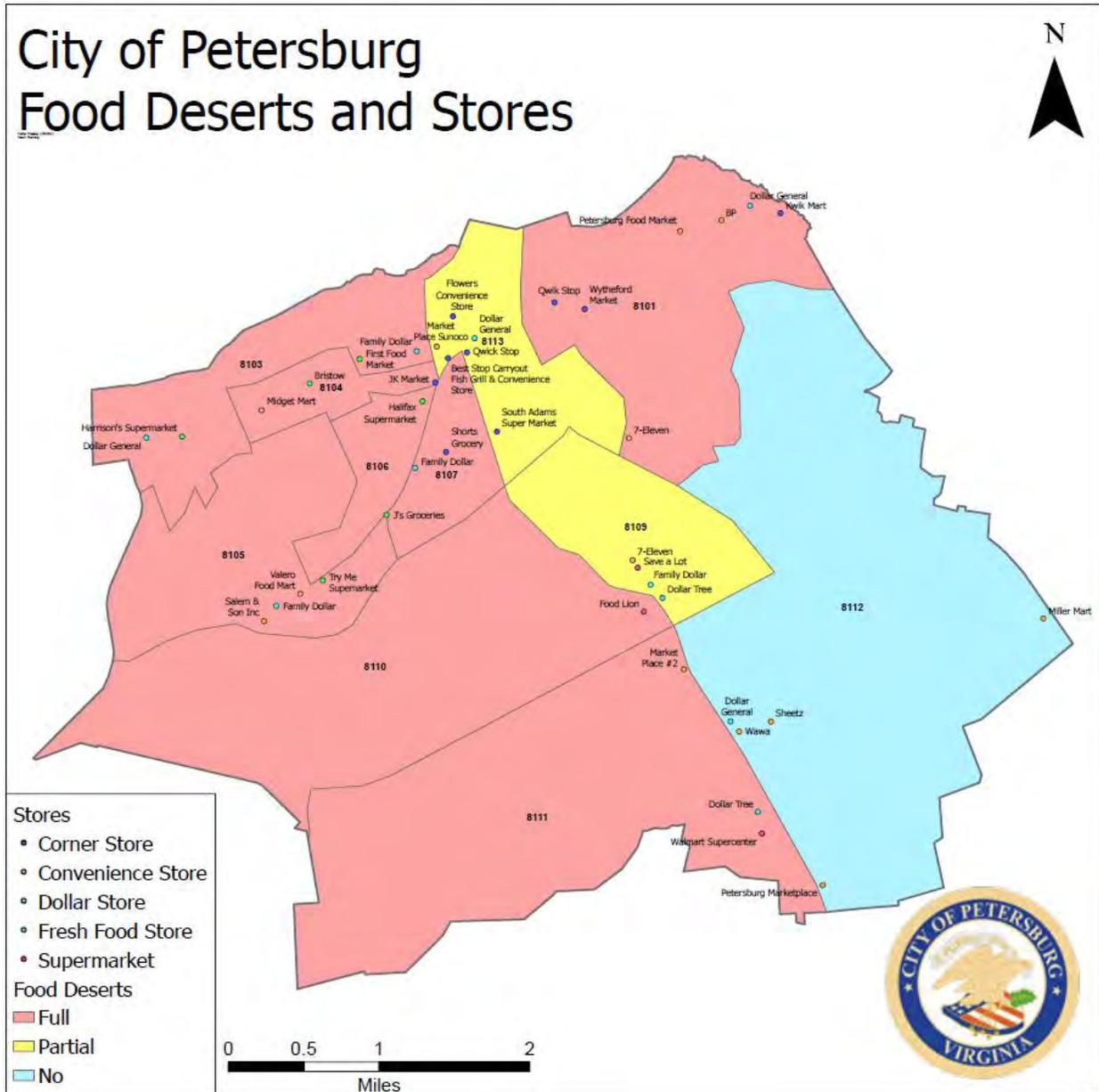
Report on Small Box Discount Stores and Alternative Financial Institutions 18

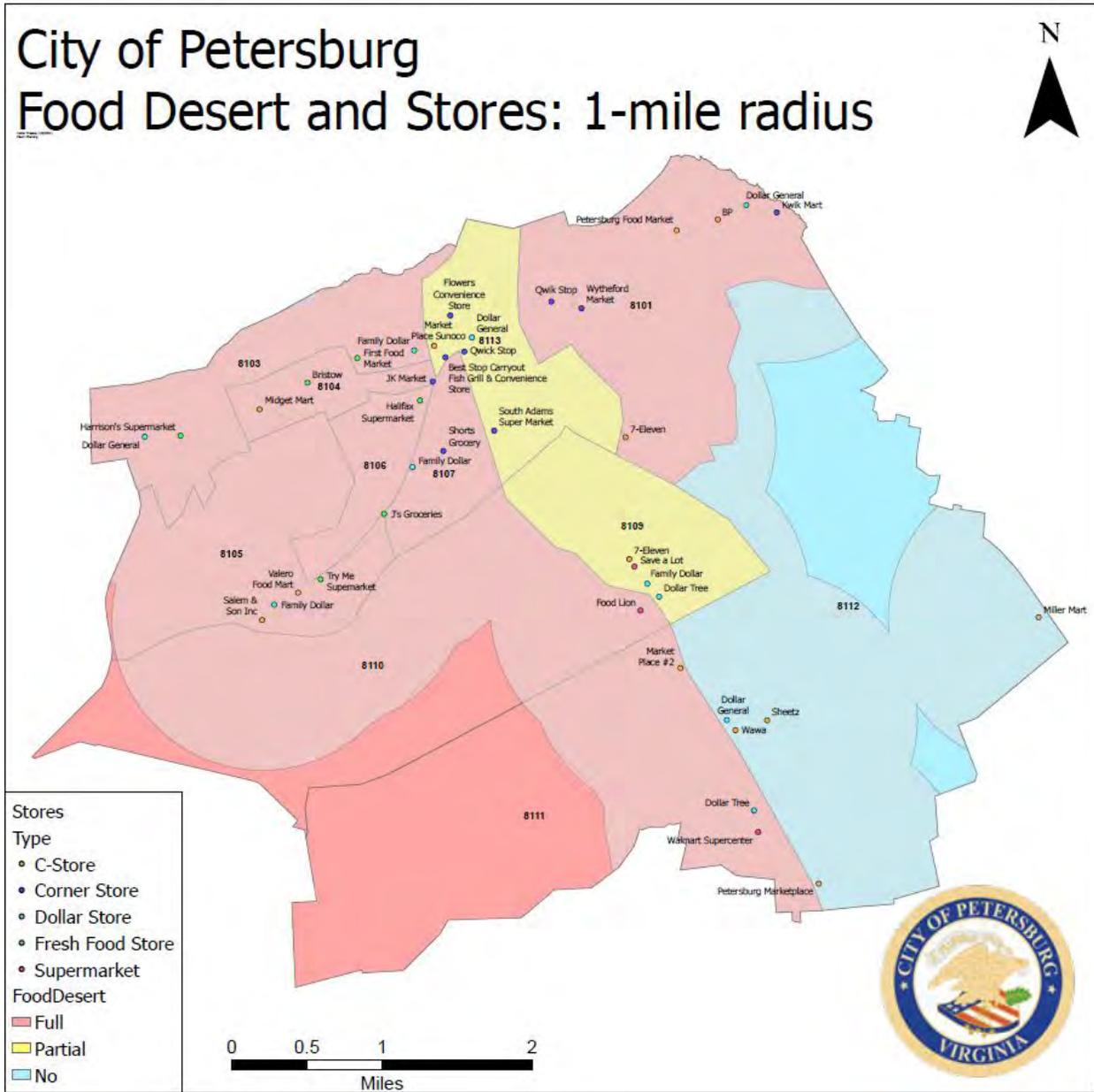
Convenience Stores		
Name	Address	Census Tract (Population / Poverty %)
Market Place Sunoco	110 W Washington St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Midget Mart	1420 W Washington St, Petersburg, VA 23803	8104 (1,357 / 31.5%)
Petersburg Food Mart	1500 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
bp	1932 E Washington St, Petersburg, VA 23803	8101 (2,716 / 33.8%)
Valero Food Mart	1740 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)
Salem & Son Inc	1908 Boydton Plank Rd, Petersburg, VA 23805	8105 (3,184 / 20.6%)
7-Eleven	701 S Crater Rd, Petersburg, VA 23803	8101 (2,716 / 33.8%)
7-Eleven	225 South Boulevard, Petersburg, VA 23805	8109 (3,433 / 18.2%)
MARKET PLACE #2	2706 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Wawa	3199 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Petersburg Marketplace	3825 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Miller Mart	1200 Courthouse Rd, Petersburg, VA 23803	8112 (4,121 / 24.8%)
Sheetz	151 Wagner Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)



Convenience Stores (C-Stores) are scattered throughout the City. Four of the 13 C-Stores are found in Tract 8112, which is notably the only truly non-Food Desert Tract, and the largest geographic Tract at 5.9 square miles. C-Stores are found in the most- and least impoverished Tracts in the City, and ten of the thirteen C-Stores are found along West and East Washington Streets, Boydton Road, and South Crater Road.

Provided below is a map with all of these locations together, with the appropriate Tracts indicating Food Deserts. Also provided is a map with these locations with a one-mile radius.





To summarize, there are ten Small Box Discount Stores in Petersburg. Four of them are located on South Crater Road, five are located in the north / northwestern portion of the City, with a single store in the far northeast portion of the City. These ten Discount Stores make up 24.39% of all of the previously discussed categories combined; C-Stores 31.7%, Small Box Retail 21.95%, Fresh Food Stores 41.63%, Supermarkets 07.32%. There are three times as many Discount Stores than there are Supermarkets. Slightly less than twice as much as many as Fresh

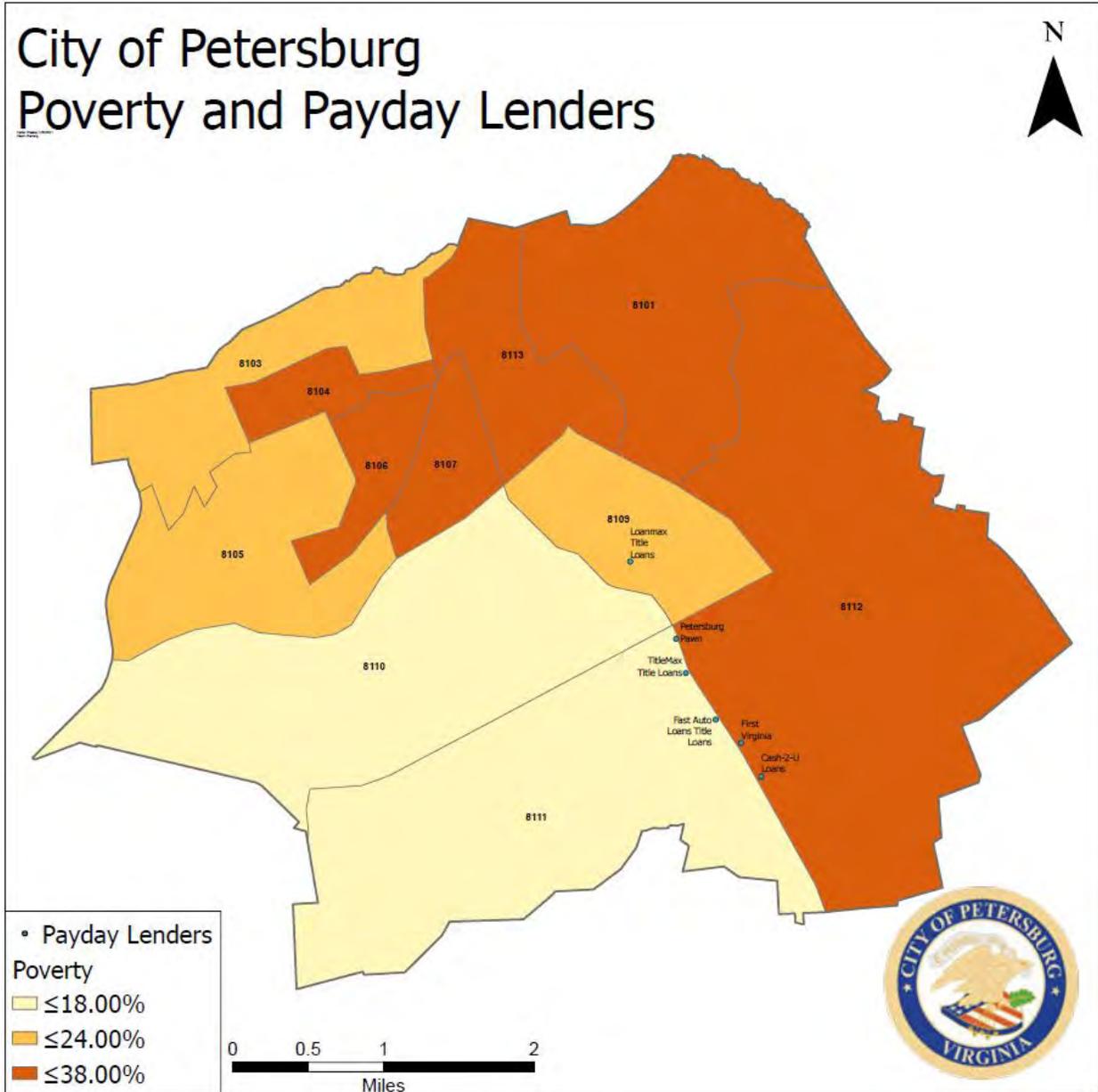
Report on Small Box Discount Stores and Alternative Financial Institutions 22

Food Stores. One more Discount Store than Small Box Retail Stores. Three more Convenience Stores than Discount Stores.

Alternative Financial Institutions

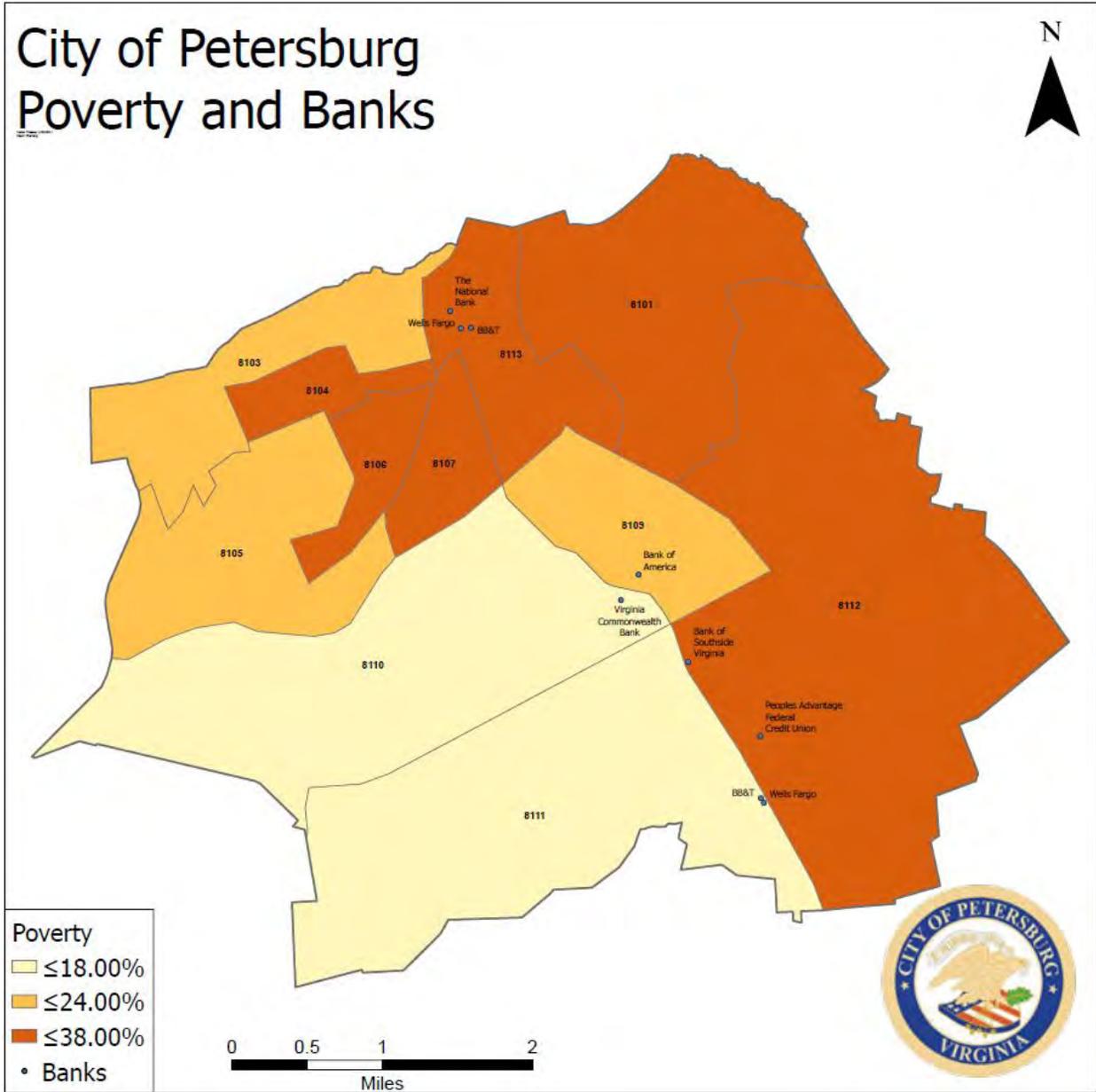
In Petersburg, the following table outlines where the currently existing Alternative Financial Institutions are located:

Alternative Financial Institutions		
Name	Address	Census Tract (Population / Poverty %)
Loanmax Title Loans	1883 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
TitleMax Title Loans	2716 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
Fast Auto Loans Title Loans	3030 S Crater Rd, Petersburg, VA 23803	8111 (2,842 / 11.7%)
First Virginia	3219 S Crater Rd Ste C, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Cash-2-U Loans	3323 S Crater Rd unit c, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Petersburg pawn	2536 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)



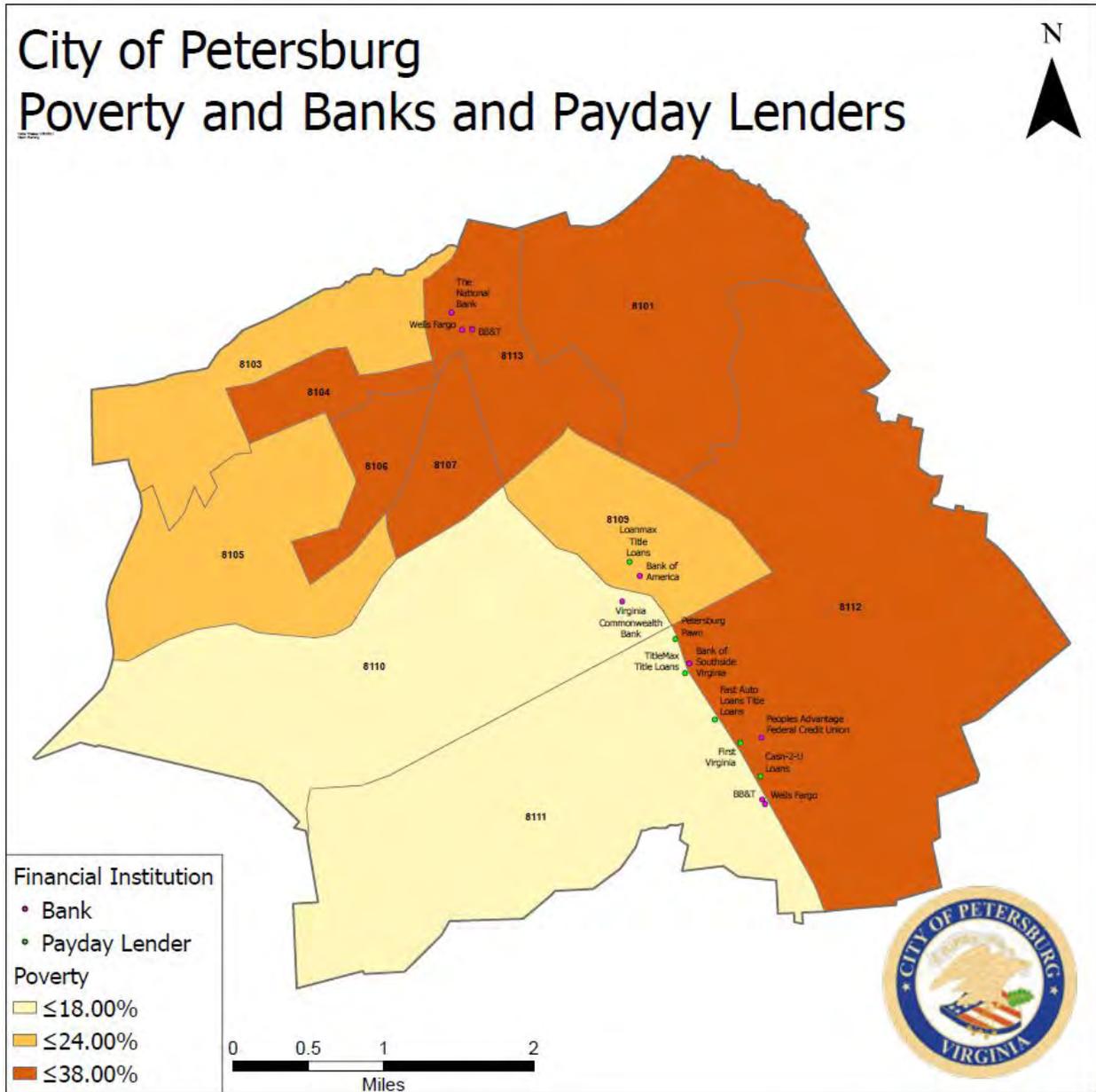
Of the Alternative Financial Institutions, two are found in a Tract that has an above average poverty rate, 8112 (24.8%). The rest are in Tracts 8109 (18.2%) and 8111 (11.7%), which are below the average poverty rate in Petersburg of 24.1%. Most notably, every single one of these businesses are located on South Crater Road.

Banking Institutions + Credit Unions		
Name	Address	Census Tract (Population / Poverty %)
Wells Fargo Bank	20 Franklin St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Wells Fargo Bank	3360 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
BB&T	117 E Washington St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
BB&T	3340 S Crater Rd, Petersburg, VA 23805	8111 (2,842 / 11.7%)
The National Bank	147 N Sycamore St, Petersburg, VA 23803	8113 (2,834 / 34.2%)
Virginia Commonwealth Bank	1965 Wakefield St, Petersburg, VA 23805	8110 (4,232 / 17.1%)
Bank of America	1963 S Crater Rd, Petersburg, VA 23805	8109 (3,433 / 18.2%)
The Bank of Southside Virginia	2703 S Crater Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)
Peoples Advantage Federal Credit Union	110 Wagner Rd, Petersburg, VA 23805	8112 (4,121 / 24.8%)



The Banking Institutions in the City are found largely around the South Crater Road area, with the one Credit Union found on Wagner Road. Three banks are located in the northern portion of the City. Four of the nine businesses are in Tracts, 8109 (18.2%), 8110 (17.1%), 8111 (11.7%), below the average poverty rate of 24.1%. The other five are located in Tracts, 8112 (24.8%), 8113 (34.2%), which are above the average poverty rate in Petersburg.

Provided below is a map with all of these locations together:



To summarize, there are six Alternative Financial Institutions (AFI's) in Petersburg. Every single one is located on South Crater Road. Two-thirds of these stores, four, are in Tracts 8109 and 8111 below the average poverty rate in Petersburg. One-third, two, are in Tract 8112 which is above the average poverty rate. All of the AFI's are located on South Crater Road.

AFI's make up 40% of the previously discussed categories combined; Banks and Credit Unions make up 60%.

Summary and Implications

From the analysis of the location of Small Box Discount Stores and Alternative Financial Institutions in Petersburg, we find that all of the Alternative Financial Institutions, and nearly half of the Small Box Discount Stores are located on South Crater Road. In their respective sections, the Tracts these stores are found in are not necessarily the poorest or most food insecure Tracts in the City. South Crater Road is a heavily trafficked road, with an Average Annual Daily Traffic rate of 12,000 vehicles. (Virginia Department of Transportation) South Crater Road is also the location of a Petersburg Area Transit bus route. Further analysis is recommended to understand why South Crater Road in particular is the location of many of these establishments, such as population density and available transit options.

One consideration regarding the Food Desert situation, is that the USDA definition defines Supermarket or large grocery store as a "food store with at least \$2 million in sales that contain all the major food departments of a traditional supermarket". As some, if not all of, the non-supermarket food stores in town may not meet this definition, they would not count towards Food Deserts in town. Further analysis is recommended of the revenue generated by the non-Supermarket Food Stores in town to understand if they meet the USDA definition, and what role these non-Supermarket Food Stores may play in combating Food Deserts and poor health outcomes. Please note that this revenue data from the Commissioner of the Revenue may not be available for public use, so an arrangement may need to be made between Council, Planning Commission, and the Economic Development Authority for usage of this data.

Another consideration is the two partial Food Desert Tracts, 8113 and 8109 in the City. While not full Food Deserts, this may be partially due to the IGA Supermarket located at 15 S Adams Street. However, the IGA Supermarket is now closed with a Dollar General taking its place. While a report survey conducted by a VCU Master of Urban & Planning Program in 2019 found that the IGA was “not frequented by many residents” (Ashby et al. page 15), its status as a Supermarket undoubtedly is a contribution to Tract 8113 not being a Food Desert as of the 2015 USDA Food Desert analysis. The proposed Dollar General is purported to have space for refrigeration units for fresh foods, monitoring of this will need to be conducted to verify this.

Regarding the proliferation of Small Box Discount Stores, also known as, Dollar Stores. Discount Stores such as Dollar General and Dollar Tree are rapidly expanding. From 2011 to 2018, these two companies had a total of nearly 30,000 locations; more than the total of Wal-Mart and McDonald’s combined. Dollar-type Stores accounted for nearly half of all U.S. retail store openings in a six-month period in 2019. In Petersburg, there are ten dollar-type stores by Dollar Tree (which owns Family Dollar as well) and Family Dollar.

A common criticism of dollar-type stores is their perceived predatory nature. Dollar-type stores are accused of contributing to poor economic and health outcomes that “displace full-service grocery stores, eliminate jobs, and undercut competition from other retailers and small businesses.” While dollar-type stores sell food, it is often highly processed foods, and do not sell healthy, fresh foods such as raw meats, fruit, and vegetables. For example, a community grocery store in Cleveland, Ohio claimed to struggle to be profitable, despite financial subsidies, due to the competition from dollar-type stores. One report indicates a “30% decline in sales for local grocery supermarkets after the introduction of a dollar store to an area.” Dollar-type stores specifically look to operate in local income neighborhoods with the CEO of Dollar General,

Todd Vasos, quoted in a 2017 Wall Street Journal article that “The economy is continuing to create more of our core customers.” (Sainato) Dollar-type stores are also not necessarily cheaper, selling staples in smaller portions for a dollar that when extrapolated to larger portions is more expensive, such as a dollar milk carton that equals to \$8 dollars a gallon. (Kelloway) Other articles describe the racial and income disparities that come with the expansion of dollar-type stores across both urban and rural America. (Siegel)

Across the U.S., cities have been pushing back against dollar-type stores. Cleveland, Ohio, previously mentioned, passed a temporary moratorium on new dollar-type stores in June 2020. (Castele) Tulsa (Siegel) and Oklahoma City, Oklahoma authorized six-month moratoriums on new dollar-type stores. Kansas City, Missouri and Mesquite, Texas also passed legislation regulating dollar-type stores. (Moon)

An alternative viewpoint is that prohibiting or overregulating dollar-type stores hurts more than it helps. Supermarket chains may not enter food deserts due to the lack of a profit incentive, which dollar-type stores with their smaller floor spaces and minimizing labor costs can afford to turn a profit. Prohibiting dollar-type stores without providing the infrastructure or incentives to ensure a grocery store takes its place leaves the consumer with no choice at all when it comes to grocery needs. (Blaine) For example, in 2011, major food retailers promised to open or expand 1,500 grocery and convenience stores in neighborhoods with no supermarkets by 2016. However, new “supermarkets” had built in only a “fraction of the neighborhoods where they’re needed most.” Excluding dollar-type stores and convenience stores from this total, this only amounted to roughly 250 new supermarkets in Food Deserts. For supermarkets to be successful in low-income neighborhoods, caution needs to be taken to ensure they meet the needs of the community and not adhere to a “rigid” corporate formula. (Associated Press)

Additional research should be conducted that examines Small Box Retail Stores (essentially convenience stores that do not provide for sale gasoline) and the role they play in contributing to poor health and wealth outcomes similarly to Small Box Discount Stores, aka dollar-type stores.

Regarding the presence of Alternative Financial Institutions, also known as, Payday and Title Lenders and Pawn Shops. Payday and Title Lenders business model is built around the quick cash with little prerequisites for approval. This business model lends itself well to the financial insecurity of many Americans. For example, according to a report by the Federal Reserve, 40 percent of households “would have some difficulty coming up with \$400 immediately.” and “60 percent of households would cover the \$400 expense by running a balance on their credit card, or borrowing from a friend or a family member, while the remaining 40 percent would have to see an asset, use a payday loan, or simply not pay the unexpected expense.” (Covas) Research on Payday and Title Lenders find that users of these services are disproportionately low income and African American or Hispanic, are located in low-income minority communities, with minorities paying a higher price on average for these services. Users are also likely not to understand the risks associated with these services, and the lenders often do not comply with laws and regulations. (Guedj)

An alternative perspective is that, similarly to the dollar-type stores, these Payday and Title Lenders provide financial lending services in a void that traditional banking institutions do not wish to fill due to the lack of a profit margin. Traditional banks may also require cash deposits to open and maintain an account that low-income families cannot meet. There are also racial factors, such as referenced in Dr. Guedj’s report, that minorities face price discrimination in traditional banking and mortgage lending. (Guedj page 1) While interest rates or payback

amounts may seem excessive, it is argued that this is to cover the short-term, high-risk nature of providing cash loans to low-income individuals who do not possess the same assets as higher income individuals to underwrite loans. Over-regulation of this industry may make the Payday and Title Lender business model unprofitable, driving out an option for low-income individuals and households that is not necessarily to be replaced by traditional banking services. Dr. Robert DeYoung of the University of Kansas likens payday loans to car rentals:

“Borrowing money is like renting money. You get to use it two weeks and then you pay it back. You could rent a car for two weeks, right? You get to use that car. Well, if you calculate the annual percentage rate on that car rental — meaning that if you divide the amount you pay on that car by the value of that automobile — you get similarly high rates. So this isn’t about interest. This is about short-term use of a product that’s been lent to you. This is just arithmetic.”

Dr. Thomas Sowell, formerly a Senior Fellow on Public Policy at the Hoover Institution at Stanford University, takes a similar viewpoint in his article “Payday Loans”.

Currently in the Petersburg Zoning Ordinances, there are no definitions or classifications of any kind regarding any of the establishments in the previous sections that defined Small Box Discount Stores, Small Box Retail Stores, Fresh Food Stores, Supermarkets, Alternative Financial Institutions, Banking Institutions, or Credit Unions. There is a tentative definition for Convenience Stores currently as “Automobile service station”. (“Zoning Ordinance”) The lack of definitions of these stores makes it difficult to regulate and take action on these types of stores.

Proposed Action

The following action items are proposed:

Update the Zoning Ordinance to define the types of stores defined in this report.

Regarding Small Box Discount Stores, authorize a special use permit that regulates the creation of new stores. This special use permit should include elements that prevent the creation of new stores in a certain mile radius of pre-existing stores, require the dedication of floor space to the sale of fresh foods consistent with USDA recommendations, and require approval of the City Council. For example, Fort Worth, Texas passed an amendment to their zoning regulations that require Small Box Discount Stores to be separated by two miles from a pre-existing store, and offer fresh produce, meat, and dairy products amount to at least 10 percent of the floor area. (Gubbins) Small Box Discount Stores should also be prohibited from the sale of alcohol beverages and lottery items. The creation of an incentive package for attracting Fresh Food Stores and Supermarkets should also be considered. This can include financial tax incentives; for example, New York City has an initiative called ‘Food Retail Expansion to Support Health’ (FRESH) aimed at bringing qualified fresh food stores to NYC. Among some of the tax incentives they provide include stabilizing pre-improvement real estate taxes for up to 25 years, land tax abatements for up to 25 years, and sales tax exemption on materials used to construct or renovate the facility. (“Food Retail Expansion to Support Health (FRESH)”) Additional non-financial incentive ideas include minimal parking requirements or exemptions for Fresh Food Stores and Supermarkets, rezoning, and the disposition of City-owned commercial real estate to stores that meet the required criteria.

A special use permit should be created regulating Alternative Financial Institutions as well. This special use permit should include a distance prohibition requirement, approval by

Council, and compliance with the Virginia Fairness in Lending Act of 2020. A moratorium on the creation of new Alternative Financial Institutions should be considered as well.

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AN ORDINANCE AMENDING THE PETERSBURG ZONING ORDINANCE TO ADDRESS SMALL BOX DISCOUNT STORES AND ALTERNATIVE FINANCIAL INSTITUTIONS

WHEREAS, City Council may initiate amendments to the Zoning Ordinance in accordance with Article 28 of the Petersburg Zoning Ordinance; and

WHEREAS, a 2019 report from the Urban and Regional Studies Planning Division of Virginia Commonwealth University indicates that “the City of Petersburg, Virginia has long suffered with issues of limited access to food and food insecurity” which resulted in the City being ranked last of Virginia’s 133 cities in counties in the Robert Wood Johnson Foundation annual health rankings; and

WHEREAS, this report indicates that “small box discount stores” (convenience and dollar stores) make up 67 percent of the food retailers in Petersburg;

WHEREAS, the report indicates that small box discount stores are most commonly recognized for providing food of low nutritional value in low wealth communities; and

WHEREAS, the City believes that the concentration of these stores has and continues to negatively impact the health, safety, and welfare of our citizens and subsequent low health rankings; and

WHEREAS, payday and title loan companies (“alternative financial institutions”) provide short-term high interest loans to individuals and tend to be concentrated in areas with disproportionately low income and disproportionately minority populations; and

WHEREAS, studies such as the May 14, 2019 study by S. Ilan Guedj, PhD of Bates White Economic Consulting conclude that the use of alternative financial institutions has a tendency to perpetuate debt and poverty by creating a dependency by borrowers upon such loans; and

WHEREAS, said report indicates that in addition to prolonged indebtedness, the use of alternative financial institutions can increase financial delinquency and borrower delinquency, and exacerbate instances of default by borrowers; and

WHEREAS, City Council believes that the City of Petersburg has a disproportionately high number of alternative financial institutions located within the City limits; and

WHEREAS, the City’s Zoning Ordinance currently does not contain a definition for or otherwise regulate “small box discount stores” or “alternative financial institutions” as proposed in the attached (**Exhibit A**) and

WHEREAS, City Council believes that requiring a Special Use Permit for the location of any new small box discount stores or alternative financial institution would be of benefit to the City of Petersburg.

WHEREAS, the Petersburg Planning Commission is scheduled to consider the matter and provide a recommendation to the City Council.

WHEREAS, the City Council will conduct a Public Hearing prior to considering the ordinance.

NOW THEREFORE BE IT ORDAINED that City Council does hereby approve a Zoning Ordinance Text Amendment consistent with the attached (**Exhibit A**) initiated by the Planning Director and/or Zoning Administrator through the Planning Commission.

Exhibit A

**ARTICLE 3 SECTION 1 OF THE PETERSBURG ZONING ORDINANCE
“DEFINITIONS” IS HEREBY AMENDED AND RE-ADOPTED TO INCLUDE:**

small box discount store. Retail sales uses with a floor area less than 12,000 square feet that offer for sale a combination and variety of convenience shopping goods and consumer shopping goods; and continuously offer a majority of the items in their inventory for sale at a price less than \$10.00 per item.

alternative financial institution. Any check cashing establishment other than a federally or state-chartered bank, credit union, or savings and loan institution, which primarily offers motor vehicle title loan and/or payday loan services.

*In each district where the use meeting the definition of “small box discount store” or “alternative financial institution” as described above is permitted by right, upon adoption of this Ordinance shall be amended to require a Special Use Permit.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Public Hearing to Amend and Readopt the Zoning Ordinance of the City of Petersburg Pertaining to the Regulation of Tire Sale and Service Uses Within the City - Pages 149-168**

PURPOSE: At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City due to concerns raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

REASON: To address concerns raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

RECOMMENDATION: Planning Commission and staff recommend approval.

BACKGROUND: At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City. There are a number of existing tire shops throughout the city. Repeatedly, concerns have been raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

Currently, tire sales and service, including vulcanizing, is a by-right use in the B-2, General Commercial, B-3 Central Commercial, M-1 Light Industrial, and M-2 Heavy Industrial Zoning Districts. Operations involving shredding, cutting, and processing of discarded tires or storage or sale of used tires are allowed in the M-1 and M-2 Districts, but require a special use permit if more than 200 tires are located on the site. These rules apply even if the tire sales and services are not the primary use of the property, meaning car dealerships or large-scale retailers that include tire operations could be subject to a special use permit.

Planning Commission recommends the following changes:

- Sale and service of **new** tires would be allowed in the B-2, General Commercial and B-3, Central Commercial Districts. Sales and service of used tires would be limited to the City's industrially-zoned districts.

- A special use permit would be required for **used** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires in the M-1, Light Industrial and M-2, Heavy Industrial Districts. The special use permit would be required regardless of the number of used tires stored on the site.

Should this language be adopted, existing tire shops legally permitted would retain a “legal non-conforming” status and be allowed to continue in accordance with Article 24, “Nonconforming Uses” of the Zoning Ordinance.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 24-ZTA-11 Tire Shops Memo
2. Tire Shops Presentation
3. Ordinance
4. Exhibit A - Tracked Changes



City of Petersburg

Department of Planning and Community Development
135 N Union St, Room 304
Petersburg, VA 23803
(804) 733-2308

MEMORANDUM

DATE: December 2024
TO: City Council
FROM: Planning Commission
RE: 2024-ZTA-11: To amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

EXECUTIVE SUMMARY:

At the October 1, 2024 City Council Work Session, Council directed staff to coordinate with the Planning Commission on a Zoning Ordinance amendment to further regulate tire sale and service uses within the City. Staff drafted two text amendment proposals for the Planning Commission to consider; the first option would require a Special Use Permit for all tire sale and services uses in the City and the second option would require a Special Use Permit for used tire sales and services. Planning Commission supported the second option focused on regulating used tire sales and services.

CHRONOLOGY OF EVENTS:

1. October 1, 2024 – City Council voted to direct staff to initiate a zoning ordinance text amendment to regulate tire shops within the City.
2. November 7, 2024 – Planning Commission heard two options related to tire shop regulations and supported the regulations of used tire sales and services.

BACKGROUND:

There are a number of existing tire shops throughout the city. Repeatedly, concerns have been raised over the visual impact and effect of tire shops on the general welfare of the city, particularly along the city's main corridors.

Currently, tire sales and service, including vulcanizing, is a by-right use in the B-2, General Commercial, B-3 Central Commercial, M-1 Light Industrial, and M-2 Heavy Industrial Zoning Districts. Operations involving shredding, cutting, and processing of discarded tires or storage or

sale of used tires are allowed in the M-1 and M-2 Districts, but require a special use permit if more than 200 tires are located on the site. These rules apply even if the tire sales and services are not the primary use of the property, meaning car dealerships or large-scale retailers that include tire operations could be subject to a special use permit.

Proposed Changes:

Planning Commission recommends the following changes:

- Sale and service of **new** tires would be allowed in the B-2, General Commercial and B-3, Central Commercial Districts. Sales and service of used tires would be limited to the City's industrially-zoned districts.
- A special use permit would be required for **used** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires in the M-1, Light Industrial and M-2, Heavy Industrial Districts. The special use permit would be required regardless of the number of used tires stored on the site.

Should this language be adopted, existing tire shops legally permitted would retain a "legal non-conforming" status and be allowed to continue in accordance with Article 24, "Nonconforming Uses" of the Zoning Ordinance.

COMPREHENSIVE PLAN CONSIDERATIONS:

Further regulation of these uses appears to be generally supported by the PetersburgNEXT Comprehensive Plan.

The plan does not speak specifically to tire sale and service uses but does emphasize aesthetics and the importance of visually-appealing streetscapes, particularly in areas designated as Community Mixed-Use or Corridor Commercial on the Future Land Use Map. Automotive uses are not listed as desired primary land uses in these two designations which comprise many properties zoned B-2 and B-3 in the City.

The Comprehensive Plan also encourages mitigation of visual impacts from certain uses through site design standards. New design standards to this effect will likely be adopted throughout the Zoning Ordinance rewrite, but they do not currently exist in the Ordinance. Until such standards are adopted, Special Use Permits can be utilized to make sure appropriate conditions are placed on impactful uses to mitigate any negative effects on neighboring properties or the general welfare.

RECOMMENDATION: Staff and Planning Commission recommend approval.

CITY COUNCIL
MEETING

DECEMBER
2024

2024-ZTA-11:

To amend and readopt the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

Background

- Council directed staff to regulate tire establishments within the city.
- Number of existing tire sale and service uses throughout the City's commercial and industrial districts; many of these deal with used/discarded tires
- Concerns over aesthetic impacts of service work and storage of tires.

Background

- Tire sales and services, including vulcanizing is currently by-right use in B-2, B-3, M-1, and M-2 Districts.
- Operations involving shredding, cutting, processing, or sales of discarded/used tires allowed in M-1 and M-2 Districts; Special Use Permit required for storing over 200 tires.

Proposal

- Sale and service of **NEW** tires would be allowed in the B-2 and B-3 District; vulcanizing would be excluded, and sale and service of **USED** tires would be limited to the M-1 and M-2 Districts.
- Within the Industrial Districts, a special use permit would be required for **USED** tire sale and service uses, including operations involving shredding, cutting, or processing of discarded tires. The Special Use Permit would be required regardless of the number tires stored

Comprehensive Plan Considerations

- Visually appealing streetscapes are important, particularly in areas designated as Community Mixed-Use or Corridor Commercial; automotive uses are not appropriate primary uses in these areas
- Negative aesthetic impacts should be mitigated where possible

Staff Considerations

- Thorough design standards will likely be introduced through Zoning Ordinance rewrite; until then, Special Use Permits can be used to ensure mitigation of negative impacts.
- Proposed language allows for additional oversight on used car shops, which have been the source of most complaints while allowing sale and service of new tires to remain a permitted use in the commercial districts.
- Proposed language would avoid unintended consequences for larger retail uses which may include tire sale and service as an accessory use.

Recommendation

- Staff recommends approval.
- Planning Commission recommends approval.

Sample Motion

I move that we **APPROVE/DENY/AMEND** an ordinance amending and readopting the Zoning Ordinance of the City of Petersburg pertaining to the regulation of tire sale and service uses within the city.

IF DENIED: state the reason why.

IF AMENDED: with the following amendment...

AN ORDINANCE AMENDING AND READOPTING ARTICLE 15. – B-2 GENERAL COMMERCIAL DISTRICT REGULATIONS AND ARTICLE 23, SUPPLEMENTARY USE REGULATIONS – SPECIAL USES AS SET FORTH IN THE ZONING ORDINANCE OF THE CITY OF PETERSBURG PERTAINING TO USED TIRE SALE AND SERVICE USES

WHEREAS, the City of Petersburg Zoning Ordinance includes Article 15.- B-2 General Commercial District Regulations and Article 23 – Supplementary Use Regulations – Special Uses, which address land uses in the City and regulation of such uses; and

WHEREAS, tire sale and services uses are currently allowed by-right in the B-2, General Commercial, B-3, Central Commercial, M-1, Light Industrial and M-2, Heavy Industrial Zoning Districts; and

WHEREAS, operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires are currently allowed in M-1, Light Industrial and M-2, Heavy Industrial Zoning Districts except for operations which store more than 200 tires, which require an approved Special Use Permit; and

WHEREAS, there are concerns over the aesthetic impacts of existing used tire shops in the city and the effect of those uses on the general welfare; and

WHEREAS, City Council directed staff to initiate an amendment to the Zoning Ordinance to further regulate tire sale and service uses; and

WHEREAS, the City Council supports prohibiting used tire sale and service uses in the B-2, General Commercial and B-3, Central Commercial Districts and requiring an approved Special Use Permit operations involving the storage, distribution, or sale of used or discarded tires in the M-1 Light Industrial and M-2, Heavy Industrial Districts; and

WHEREAS, pursuant to the requirements of Titles 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, a public hearing was advertised and held, in accordance with applicable laws.

NOW THEREFORE BE IT ORDAINED that the City Council does hereby approve an ordinance amending and readopting Article 15. – B-2 General Commercial District Regulations and Article 23.- Supplementary Use Regulations – Special Uses as set forth in the Zoning Ordinance as indicated in Exhibit A.

ARTICLE 15. "B-2" GENERAL COMMERCIAL DISTRICT REGULATIONS

Section 1. [Purpose.]

The regulations set forth in this article, or set forth elsewhere in this ordinance when referred to in this article, are the regulations in the "B-2" General Commercial District. The purpose of this district is to provide sufficient space in appropriate locations for all types of commercial and miscellaneous service activities, particularly along certain existing major streets where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor and noise associated with manufacturing.

Section 2. Use regulations.

A building or premises shall be used only for the following purposes:

- (1) Any use permitted in the "B-1" Shopping Center District and the "R-3" Two-Family Residence District;
- (2) Amusement place in an enclosed building, auditorium or theater, except open air drive-in theaters;
- (3) Athletic field or baseball field;
- (4) Bottling works; dyeing and cleaning works or laundry; plumbing and heating shop; painting shop; upholstering shop, not involving furniture manufacture; tin smithing shop; new tire sales and service, including vulcanizing, but no manufacturing; appliance repairs; and general service and repair establishments similar in character to those listed in this item; provided, that no outside storage of material is permitted; and further provided, that no use permitted in this item shall occupy more than 6,000 square feet of floor area;
- (5) Bowling alleys and billiard parlors;
- (6) Food storage lockers;
- (7) Hotels, motels, and motor hotels containing 45 or more units only;
- (8) Outdoor advertising structure or sign. Any sign or display in excess of 100 square feet in area shall be attached flat against a wall of a building.
- (9) Bus terminals;
- (10) Printing, publishing, and engraving;
- (11) Stone yard or monumental works located within three hundred (300) feet of a cemetery;
- (12) Accessory buildings and uses;
- (13) Family day care home;
- (14) Child care center;
- (15) Private nursery school;
- (16) Adult book store, provided that the property devoted to such use shall not be situated within 500 feet of property in a residential district, nor within 500 feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater or adult video store;

- (17) Adult entertainment establishment, provided that the property devoted to such use shall not be situated within 500 feet of any property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (18) Adult motion picture theater, provided that; the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (19) Adult video store, provided that the property devoted to such use shall not be situated within five hundred (500) feet of property in a residential district, nor within five hundred (500) feet of any property occupied by a church or other place of worship, public or private elementary, intermediate, or high school, public library, lodginghouse, day care center, nursing home, hotel, motel, adult book store, adult entertainment establishment, adult motion picture theater, or adult video store;
- (20) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling District with the issuance of a Special Use Permit.

Notwithstanding any other provisions of the Petersburg Zoning Ordinance, a building or premises may be used for an adult bookstore, and adult entertainment establishment, and adult motion picture theater, or an adult video store, as restricted and limited by this section, only in the "B-2" General Commercial District with the issuance of a Special Use Permit and in no other zoning district established by the Petersburg Zoning Ordinance.

Section 3. Height, area and bulk regulations.

Height, area and bulk requirements shall be as set forth in the chart of article 22, and in addition, the following regulations shall apply:

- (1) There shall be a side yard not less than five (5) feet in width on the side of a lot adjoining a residence district;
- (2) There shall be a rear yard not less than ten (10) feet in depth on the rear of a lot adjoining a residence district. Existing alley at rear will eliminate this requirement;
- (3) The lot area requirements for dwellings are the same as those in the "R-5" Multiple Dwelling District.

Section 4. Reference to additional regulations.

The regulations contained to this article are supplemented or modified by regulations contained in other articles of this ordinance, especially the following: Article 19, Off-street parking regulations; Article 20, Off-street loading regulations; Article 23, Supplementary use regulations; Article 25, Supplementary height, area and bulk regulations.

ARTICLE 23. SUPPLEMENTARY USE REGULATIONS—SPECIAL USES

Section 1. [Procedure for obtaining special use permit.]

Recognizing that certain uses may be desirable when located in the community, but that these uses may be incompatible with other uses permitted in a district, certain special uses listed in section 4, below, when found to be in the interest of the public health, safety, morals and general welfare of the community, may be permitted in any district from which they are prohibited. Before the location or establishment thereof, or before any change of use of the premises existing at the time of the effective date of the regulations, or permitted as herein provided, is made, preliminary plans in sufficient detail, and a statement as to the proposed use of the buildings, structures and premises, shall be submitted to the planning commission. The commission shall hold a public hearing as provided in article 28, and shall review such plans and statements and shall, after a careful study thereof and of the effect that such buildings, structures or uses will have upon the surrounding territory, submit a recommendation to the city council within thirty (30) days following said hearing. Following receipt of the commission's report, the city council may permit such buildings, structures or uses, where requested; provided, that the public health, safety, morals, and general welfare will not be adversely affected, that ample off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values.

Section 2. [Qualification of nonconforming use as special use.]

Any special use listed in section 4, below, existing at the effective date of these regulations, shall be considered a nonconforming use, unless it has qualified as provided above, and has been approved as a "special use" by the city council.

Section 3. [Additions or alterations to special uses.]

When [such changes are] found to be in the interest of the public health, safety, morals, and general welfare, the board of zoning appeals is hereby authorized to approve any and all additions or structural alterations to special uses after they have qualified and have been approved by the city council.

Section 4. Special uses enumerated.

The following special uses may be approved by the council, as provided in this article:

- (1) Airports and landing fields;
- (2) Circus or carnival grounds, temporary for a specified period;
- (3) Drive-in theater;
- (4) Fairgrounds;
- (5) Public utilities or public service uses, buildings, structures or appurtenances thereto, including limited off-street parking adjoining, or adjacent to, the property when located in a residence district; provided no business involving the repair, servicing or sale, or display of vehicles shall be conducted on such parking area; and no structures, including signs, will be erected on the parking area; and no charge will be made for parking within the premises; and the parking will be set back from the street in keeping with the existing front and side yard regulations of the residence district;

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- (6) Public or government buildings;
- (7) Hospitals or sanitariums;
- (8) Cemetery;
- (9) Sports arena or stadium;
- (10) Race track;
- (11) Radio or television tower or broadcasting station;
- (12) Child care centers in residential district.
- (13) Bed and breakfast inn in R-3, R-4, R-5, and RB districts meeting the following requirements:
 - (a) Permitted capacity of two (2) persons per sleeping room, not to exceed a maximum of twenty (20) persons per structure;
 - (b) One-half (½) off-street parking space per sleeping room;
 - (c) Resident-manager on premises;
 - (d) Permitted sign area not to exceed two (2) square feet;
 - (e) Other requirements as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.
- (14) Operations involving shredding, cutting or otherwise processing of used or discarded tires, or operations involving the storage, distribution, or sale of used tires or discarded tires ~~if more than two hundred (200) such tires are located on site~~, even if such operation is ancillary to the main use of the site. Notwithstanding any other regulations within this article, these uses may only be permitted in M-1 and M-2 zoning districts.
- (15) Nightclub in B-2 and M-1 zoning district only.
- (16) Boarding, rooming, or lodging houses such to be permitted only in R-5 and B-2 zoning districts.
- (17) Convalescent and nursing homes such to be permitted only in R-5 and B-2 zoning districts.
- (18) Adult book store, adult entertainment establishment, adult motion picture theater and adult video store such to be permitted only in the B-2 zoning district.
- (19) Vehicle rebuilder, such to be allowed only in the M-1 and M-2 zoning districts.
- (20) Vehicle removal operator, vehicle storage lot, or vehicle tow lot, such to be permitted within the M-1 and M-2 zoning districts only.
- (21) Auto body shop and vehicle painting operations not accessory to a new-vehicle dealership such to be permitted only in the B-2, M-1, and M-2 zoning districts only.
- (22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2 and M-1 zoning districts only.
- (23) Stand-alone vehicle repair, to include general automobile repair shops, truck repair shops, transmission repair shops, engine repair shops, car washes or car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only.
- (24) Small engine repair shop to be allowed within the B-2 and M-1 zoning districts only.
- (25) Tractor-trailer service station, to be allowed within the B-2, M-1, and M-2 zoning districts only.

- (26) Automobile service stations, to be permitted within the B-2, M-1, and M-2 zoning districts only.
- (27) Boat, semi-trailer truck, or recreational vehicle dealerships, to be allowed in the B-2 and M-1 zoning districts only.
- (28) Contractor storage yards such to be permitted within the M-1 and M-2 zoning districts only.
- (29) Mulching or composting facilities or yards such to be permitted within the M-1 and M-2 zoning districts only.
- (30) Mini-storage facilities or self-storage facilities such uses permitted within the B-2, M-1, and M-2 zoning districts only.
- (31) Homeless shelter.
- (32) Private Jails, halfway houses, or private prisons, whether for-profit or non-profit, such to be permitted within the B-2 zoning district only.
- (33) Hotels and motels providing fewer than forty-five (45) guest rooms, such to be permitted within the B-1, B-2, B-3, and MXD-2 Districts only.
- (34) Mobile home sales or the sales, storage, or display of modular housing units or mobile homes, such to be permitted within the M-1 District only.
- (35) Height waiver for commercial uses including, but not limited to, hotels, offices, and other retail or commercial uses that have been determined by city council to promote and further the city's long-term economic needs and which have been determined by city council to be consistent with the city's strategic plan and goals.
- (36) Professional and Business Offices in the R-3 (Two-Family Residence) District, with the following conditions:
 - a. Operating hours limited to 7:30 a.m. to 7:00 p.m. Monday-Saturday;
 - b. No exterior alterations to the residence;
 - c. Not transferable;
 - d. If in a historic district; signage requires approval from ARB, all signage limited to an aggregate fifteen (15) square feet;
 - e. No more than two (2) employees;
 - f. 4,500 square foot minimum size of the main structure with the use limited to the first floor of the residence, and the business and professional use not to exceed fifteen hundred (1,500) square feet of the first floor area;
 - g. Three (3) off-street parking spaces provided on site.
- (37) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such special use permits to be allowed only in the B-2 and B-3 districts.
- (38) Recreational Substances Retail (both off-site and on-site use) located at least 1,000 linear feet from the property line of any child day care center or public, private, or parochial school, such to be permitted within the M-1 District only.

Section 4.1. Special use permits for communication towers; criteria and procedures.

- (1) *Definitions.*

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- a. *Antenna.* Any exterior apparatus designed for radio, telephone or television communications through the sending and/or receiving of electromagnetic waves.
 - b. *Co-locate.* To locate on an existing structure with another user of that structure. For this purpose, structure includes but is not limited to existing telecommunication towers, power or telephone poles, light poles, water towers, buildings, or similar structures.
 - c. *Communication tower.* A free-standing structure more than six feet in height, or a structure erected on a building and extending more than ten feet above the roof line thereof on which are mounted antennas, receivers, transmitters or other devices for the receipt or transmission of broadcast of cable television, microwave, radio, telephone, open video, PCS (personal communication system) or other communication signals. For purposes of this section, single use, noncommercial antennas shall be excluded from this definition and shall be limited in accordance with other applicable provisions of this Ordinance.
- (2) *Special use permit requirement.* Notwithstanding Section 4 of Article 23, or any other provision of this zoning ordinance, no communications tower shall be erected on any property in any zoning district until a Special Use Permit has been issued for such tower. No such permit shall be required to co-locate an antenna on an existing structure so long as the addition of said antenna shall not add more than ten (10) feet to the height of said structure and shall not require additional lighting pursuant to FAA or other applicable requirements.
- (3) *Criteria.* In evaluating an application for a Special Use Permit for a telecommunications tower the Planning commission shall apply criteria set forth in the document titled "Guidelines for Use by the Petersburg Planning Commission for the Siting of Telecommunications Towers Through the Special Use Permit Process." Said document is incorporated by reference into this ordinance. In addition, the Planning Commission and the City Council shall examine and apply the following criteria:
- a. The availability and technical and economic feasibility of using existing communications towers in the city or neighboring localities to co-locate the communications facilities required by the applicant.
 - b. If the proposed tower is freestanding, the feasibility of using an alternate location on top of an existing multi-store structure.
 - c. The visual and economic impact of the proposed tower on adjoining and nearby residential and commercial properties.
 - d. The proximity of the proposed location to designated historic structures or districts, within the guidelines of Section 106 of the National Historic Preservation Act of 1966.
- (4) *Site plan required.* A site plan to scale shall be filed with the application for a Special Use Permit. The application, including the site plan, shall be submitted to the Clerk of Council. Said site plan shall be signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency, tower height requirements, tower type, guy anchors (when used), buildings, scaled elevations and other supporting drawings, calculations and documentation of other accessory uses; vehicular access, parking, fencing and screening, landscaping, zoning, ownership, and use of adjoining properties and any other information deemed appropriate by the Director of Planning. In addition, applicant shall provide actual photographs of the site which include a simulated photographic image of the proposed tower in its proposed setting.
- (5) *Insurance and bond.* Any Special Use Permit granted under this section shall be conditioned on the applicant's providing (a) evidence of casualty and liability insurance to protect adjacent property owners, the City, and other parties in the event of collapse, and (b) a bond in an amount sufficient to guarantee the safe and efficient removal of the communications tower in the event its use for communications purposes is discontinued for a continuous period of one year.

- (6) *Non-discrimination among providers; access to service.* It is the intent of City Council that all types of communications service be made available to citizens of the City, and that competition among providers of such services be encouraged. In applying the provisions of this section, the Planning Commission and City Council shall not unreasonably discriminate among providers of functionally equivalent communications services. No action under this section shall prohibit or have the effect of prohibiting the provision of personal wireless services or any other type of communications service.
- (7) *Prompt consideration.* All requests for Special Use Permits under this section shall be acted upon within a reasonable time after they are filed with the Clerk of Council, taking into account the nature and scope of the requests. In the case of any application for a communications tower to provide "personal wireless services" as defined in federal law, the Planning Commission shall conduct its public hearing at the first possible meeting that the request can be heard by the Planning Commission after the application is received by the Clerk of Council, and shall promptly forward its recommendation to the City Council which will take action thereon.

Failure of the Planning Commission to act on an application for a telecommunications facility within ninety days of its submission to the Commission shall be deemed recommendation for approval of the application by the Commission unless the City Council has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The City Council may extend the time for action by the Planning Commission for no more than sixty additional days. If the Commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed recommended for approval by the Commission. Except as may otherwise be required by State or Federal law, the time limitations contained in this subsection shall be the sole controlling limitations relating to Planning Commission consideration of requests for permits for communication towers.

- (8) *Explanation of denial.* If the City Council denies an application for a permit under this section, it shall furnish the applicant a written explanation of its reasons, citing specific evidence in its or the Planning Commission's written records, and including measures, if any, which the applicant may take in order to make the proposed communications tower location acceptable to the City Council.

Section 5. [Restrictions upon accessory buildings, cellars and basements.]

No accessory building shall be constructed upon a lot until the construction of the main use building has been actually commenced.

No accessory building shall be used unless the main building on the lot is also being used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is a part.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: March Altman, Jr.

RE: **Public Hearing for the Consideration of an Ordinance to Amend and Reenact Section 86-31, Limitation on the Number of Pawn Shops, Article II - Pawnbrokers, and of Chapter 86, Secondhand Goods of the Petersburg City Code - Pages 169-170**

PURPOSE: Amend City Code to reduce the number of pawn shops allowed.

REASON:

RECOMMENDATION:

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. 2024-XX - Sec. 86-31 Limitation on Number of Pawnshops - 100324

ORDINANCE 2024-XX

An Ordinance amending and reenacting Section 86-31, Limitation on the number of pawnshops, of Article II, Pawnbrokers, of Chapter 86, Secondhand Goods, of the Code of the City of Petersburg.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG that Section 86-31, Limitation on the number of pawnshops, of Division 1, Generally, of Article II, Pawnbrokers, of Chapter 86, Secondhand Goods, of the Code of the City of Petersburg is amended and reenacted as follows:

CHAPTER 86 – SECONDHAND GOODS

ARTICLE II. PAWNBROKERS

DIVISION 1. GENERALLY

Sec. 86-31. Limitation on the number of pawnshops.

Not more than ~~five~~ two (2) pawnshops may be operated at any one time within the territorial limits of the city.

(Code 1981, § 23-3)

State law reference(s)—Authority for above section, Code of Virginia, § 54.1-4002.

In all other respects said Code of the City of Petersburg shall remain unchanged and be in full force and effect.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH:

FROM: Anthony Williams

RE: **Public Hearing for the Consideration of an Ordinance to Amend the City Charter to Add Section 2-1.2 to Provide for Non-Partisan Elections of Members of Council - Pages 171-173**

PURPOSE: Under Virginia law, candidates for members of the governing body may be nominated by petition or by "general law" including by party nomination. Currently, in the City of Petersburg, nominations for Council may be partisan. Some members of the governing body have expressed concern that partisan local elections may negatively impact voters and candidates wishing to exercise their freedom of choice, particularly given the small size of the City of Petersburg in comparison to the substantial and diverse nature of questions that may be presented to the governing body.

For similar reasons, some localities (Leesburg, for example) have adopted charter provisions which prohibit partisan elections for members of the local governing body. Members of Council have expressed an interest in the City pursuing such a limitation for future elections of members of Petersburg City Council.

As this is a proposed Charter amendment, if approved, it will need to be proposed to the General Assembly for approval and enacted before the amendment will be incorporated into the City's Charter.

REASON: Requested by Council.

RECOMMENDATION: Adopt ordinance.

BACKGROUND:

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. AN ORDINANCE REQUESTING APPROVAL TO AMEND THE CITY CHARTER TO ADD SECTION 2

AN ORDINANCE REQUESTING APPROVAL TO AMEND THE CITY CHARTER TO ADD SECTION 2-1.2 TO PROVIDE FOR NON-PARTISAN ELECTIONS FOR MEMBERS OF COUNCIL

WHEREAS, Code of Virginia §§15.2-200 et. seq. authorizes and outlines the process for amendment of the City Charter; and

WHEREAS, such amendment requires that City Council adopt an Ordinance outlining the proposed amendment and that such proposed amendment, upon adoption, be presented for consideration by the Virginia General Assembly; and

WHEREAS, Code of Virginia §15.2-202 authorizes the holding of a Public Hearing in lieu of election in order to amend the existing charter; and

WHEREAS, in accordance with §15.2-1427 of the Code of Virginia, notice of an intention to propose this ordinance for passage has been advertised by reference twice, with the first notice being published no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice, in a newspaper having a general circulation in the City. The publication includes a statement that a copy of the full text of the ordinance is on file in the office of the Clerk of Council; and

WHEREAS, City Council in the City of Petersburg is comprised of seven members elected by wards, with such elected members appointing a Mayor and Vice Mayor biannually; and

WHEREAS, the elections for Members of Council in the City of Petersburg are currently partisan elections; and

WHEREAS, it is the belief of the Members of City Council that the use of partisan elections is not beneficial to the citizens of the City of Petersburg; and

WHEREAS, City Council would like propose that the General Assembly authorize amendment of the City Charter to include Section 2-1.2 to provide for non-partisan elections for Members of City Council.

NOW therefore be it ORDAINED, that the City Manager is directed to include this matter in the City's upcoming Legislative Agenda and be it FURTHER ORDAINED that City Council for the City of Petersburg hereby requests that the following revision to add Section 2-1.2 to the Charter of the City of Petersburg be presented for approval by the General Assembly and upon enactment, the City Charter be and hereby is amended to include Section 2-1.2 as follows:

2-1.2 – NON-PARTISAN ELECTIONS.

All Municipal elections for Members of City Council shall be non-partisan.



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: March Altman, Jr.

RE: **Public Hearing for the Consideration of an Ordinance to Amend Chapter 3-16 of the City Charter Concerning the Powers and Duties of the Collector of Taxes - Pages 174-187**

PURPOSE: Amend the City Charter related to the duties of the City Collector.

REASON:

RECOMMENDATION:

BACKGROUND: The City Treasurer and City Council entered into a Memorandum of Understanding (MOU) allowing the City Collector/Department of Finance to perform certain duties of the Treasurer. The charter amendment codifies those duties consistent with the MOU.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Treasurer's Agreement (2024)
2. 2024-XX - Ordinance Amending Charter - City Collector - DRAFT

**CONSTITUTIONAL OFFICER'S
(TREASURER'S) AGREEMENT
RE: BANK RECONCILIATIONS AND PRE-AUDIT SERVICES**

On this 10 day of June, 2024, the "Parties", City of Petersburg, Virginia (hereinafter "City"), by and through its duly appointed City Manager, John M. Altman, Jr., and Paul Mullin, a Constitutional Officer of the City, duly elected to serve as Treasurer in accordance with the provisions of §15.2-1608 of the Code of Virginia, by and for the mutual consideration herein recited, hereby agree to the following terms:

1. That pursuant to Chapter 16 of Title 15.2, Articles 1 through 9 of the Code of Virginia, the locality is required to provide certain funding and accommodations for all Constitutional Officers, including the Office of the Treasurer (mandatory minimal funding).
2. That in addition to the mandatory minimal funding requirements, the Code allows for the City to provide, at the discretion of the governing body, supplemental compensation to the constitutional officer or any of their deputies or employees above the salary provided by the state in accordance with §15.2-1605.1 of the Code of Virginia.
3. The City currently provides such supplemental compensation annually in the amount of \$5,057.00 which provides for supplements to the salaries of the Treasurer's Chief Deputy and one of his Deputy 2 positions but not to the Treasurer's own salary.

Officer/Position	Employee	Comp Board ID	FY24		
			COMP BOARD LEVEL	CITY FUND LEVEL	SUPPLEMENT
Treasurer	P. Mullin	TREAS	70,413.00	70,413.00	-
Chief Deputy	S. Hill	CDI	47,626.00	51,000.00	3,374.00
Deputy 2	A. Wiggins	DII	32,589.00	34,272.00	1,683.00
Deputy 2	Vacant	DII	30,312.00		

Except as expressly stated, nothing in this Agreement shall be construed to obligate the City of Petersburg to the continued provision of such supplemental funding.

4. The duties of the Treasurer are set forth in the Code of Virginia, and in Petersburg, have been modified by City Charter. Except as expressly stated herein, nothing shall be construed to further modify, alter, or otherwise diminish said duties.
5. Under the current Code and City Charter, the Treasurer is responsible for reconciliation of accounts and pre-audit services necessary to complete the City's Annual Consolidated Financial Report.
6. For some time prior to the execution of this Agreement, the City has been providing contracted personnel at substantial cost to the City to assist the Treasurer in providing the services described in paragraph 5.

7. The parties have jointly proposed that the Treasurer delegate the duties and responsibilities for said functions to the City which will result in substantial cost savings and more efficient and effective operations.
8. The details of such delegation of duties and responsibilities are as follows:
 - a. The Finance Department will review bank statements and bank transactions for all City bank accounts.
 - b. The Finance Department will be responsible for the reconciliation of all information posted to the general ledger of the City's financial system.
 - c. The Finance Department will provide documentation to support financial reconciliations and make the necessary corrections or adjustments to the general ledger that fall under the purview of the Finance Department.
 - d. The Finance Department will manage the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the Finance Department's Billing and Collections Division.
 - e. The Finance Department will be responsible for closing each month and the fiscal year in the financial system.
 - f. The Finance Department will collaborate with the Treasurer's Office to complete the pre-audit tasks provided by the external audit firm.
 - g. The City's Chief Financial Officer will be the lead communicator with the external audit firm.
9. By signing this Agreement, the Treasurer agrees that in addition to the delegation of said duties and responsibilities described in paragraphs 7 and 8, he shall fully support the incorporation of said delegation into an amendment of the City Charter. Such support may include but shall not be limited to the provision of written statements of support as well as personal appearances before the Virginia General Assembly to support the Charter Amendment.
10. In consideration for the permanent delegation and ongoing support and cooperation of the Treasurer (including the support and cooperation with amending the Charter), the City agrees to process the attached Personnel Action Form (**Exhibit A**) as requested by the Treasurer, incorporating a salary increase for the Treasurer as described therein which salary supplement, except upon expiration of this Agreement as described in paragraph 14, shall remain in effect and shall be irrevocable so long as the undersigned Treasurer remains in compliance with the terms of this Agreement.

11. This Agreement is subject to annual appropriation by the governing body. Otherwise, except upon expiration of this Agreement as described in paragraph 14, this Agreement may be terminated only by mutual agreement of the parties or for material breach of any term of this Agreement which may include but is not limited to the failure or refusal of the Treasurer to support the Charter Amendment as described herein.

a. In the event of a material breach, the non-breaching party shall provide written notice to the breaching party via hand delivery, email, or first-class mail which shall be effective upon delivery. The notice shall describe with specificity, the nature of the breach which has occurred. The breaching party shall have five (5) calendar days to cure the breach.

b. Notices under this section shall be delivered as follows:

To the City - John M. Altman, Jr., City Manager
 135 N. Union Street
 Petersburg, VA 23803
 maltman@petersburg-va.org

With copy to: Anthony C. Williams, City Attorney
 135 N. Union Street
 Petersburg, VA 23803
 awilliams@petersburg-va.org

To the Treasurer - Paul Mullin, Treasurer
 135 N. Union Street
 Petersburg, VA 23803
 pzmullin@petersburg-va.org

12. This document represents the entire agreement between the parties concerning the matters described herein. Any amendments to this Agreement or prior or subsequent agreements concerning the matters described herein are hereby declared to be null and void unless incorporated into this Agreement by written Addendum and signed by all parties.

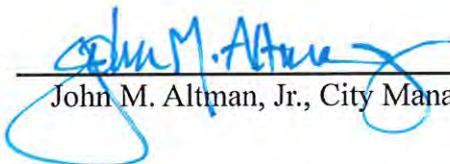
13. The term of this Agreement shall commence upon the date of execution and shall automatically renew at the beginning of each successive term of the undersigned Treasurer. In the event that the undersigned Treasurer leaves office prior to completion of a full term, the Agreement shall automatically terminate and neither party shall have any further obligations or recourse pursuant to this Agreement.

14. If it is determined by any court that any term of this Agreement is contrary to applicable law, said term shall be deemed severed, and the remainder of this Agreement shall continue as binding upon the parties.

15. This Agreement shall be governed under the laws of the Commonwealth of Virginia. Any dispute arising from this Agreement shall be litigated solely in the General District or Circuit Court for the City of Petersburg, Virginia.
16. This Agreement is entered into in the spirit of cooperation and in furtherance of the best interests of the citizens of the City of Petersburg in an effort to provide more efficient and effective City operations. By signing this Agreement, the parties agree to work together collaboratively and refrain from making disparaging remarks about the other with reference to any of the matters contained in this Agreement.
17. The parties acknowledge and agree that insofar as this document requires the formal approval and authorization of the governing body to enable the Manager to execute it, the document may be subject to release upon request under the Virginia Freedom of Information Act as a public record.

The undersigned hereby agree to be bound in accordance with the terms recited in this Agreement.

CITY OF PETERSBURG, VIRGINIA

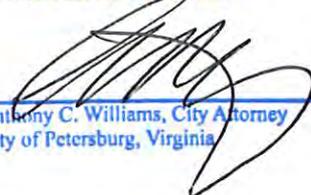
By:  6-20-2024
 John M. Altman, Jr., City Manager Date

TREASURER OF THE CITY OF PETERSBURG, VIRGINIA

By:  6/10/2024
 Paul Mullin, Treasurer Date



APPROVED AS TO FORM:

 6/20/2024
 Anthony C. Williams, City Attorney
 City of Petersburg, Virginia

PERSONNEL ACTION FORM

NAME **Paul Z Mullin Jr**

EMPLOYEE No.

ADDRESS **617 Roberson St**

DATE **03/29/2024**

CITY, STATE, ZIP **Petersburg, Va, 23805**

DEPARTMENT **70**

TYPE OF ACTION

Transfer From:	To:	
New Employee	Resignation	Military Service
Re-employment	Discharge	Leave Without Pay
Reinstatement	Retirement	<input checked="" type="checkbox"/> Pay Increase
Promotion	Death	Re-Classification
Suspension	Interim (Acting)	Demotion
Change of Address	Other	

Requestor Signature *Paul Z Mullin Jr* Date **3/29/2024 | 4:45 P**

Further Explanation, budgetary and management impact: (Attach supporting documents if needed at the bottom.)

In an effort to get a handle on the Reconciliation for the City, it was decided to bring the duties in house. The Interim CFO Mr. Glaster has agreed to supplement my salary to \$90,000.00 as a member of the new Finance/Treasurer's Office Reconciliation Team.

DATE ABOVE ACTION EFFECTIVE **03/11/2024**

TYPE OF EMPLOYEE **Full Time** ANNUAL SALARY **90,001.60**

POSITION TITLE **Treasurer**

PAY RANGE CODE ANNUAL SALARY **43.27**

ACTION REQUESTED BY: Department Head *Paul Mullin* Date **3/29/2024 | 4:46 P**

APPROVAL: Budget *Garry Cozier* Date **4/2/2024 | 11:10 A**

Human Resources *Delvonte Frengley* Date **4/2/2024 | 11:47 A**

City Manager or Designee Date

POSTED

Attachments:

HR USE ONLY	POSITION#	FLSA Non Exempt
n/a		

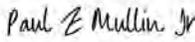
Certificate Of Completion

Envelope Id: 007ED9A519B14CF1947FE3C5F4FDDFB7	Status: Sent
Subject: PAF Petersburg DocuSign Paul Mullin Paul Mullin	
Employee Name (name of employee this document aff:	
Employee Name (Name of employee this document affe:	
Source Envelope:	
Document Pages: 1	Signatures: 4
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Gerrit Vanvoorhees
Time Zone: (UTC-05:00) Eastern Time (US & Canada)	144 N Sycamore St
	Petersburg, VA 23803
	gvanvoorhees@petersburg-va.org
	IP Address: 50.201.83.50

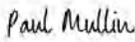
Record Tracking

Status: Original	Holder: Gerrit Vanvoorhees	Location: DocuSign
3/29/2024 4:39:25 PM	gvanvoorhees@petersburg-va.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: City of Petersburg	Location: DocuSign

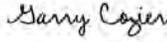
Signer Events

Signer Events	Signature	Timestamp
Paul Z Mullin Jr pzmullin@petersburg-va.org Security Level: DocuSign.email ID: 1 3/29/2024 4:39:29 PM	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:39:27 PM Viewed: 3/29/2024 4:39:37 PM Signed: 3/29/2024 4:45:02 PM

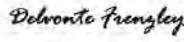
Electronic Record and Signature Disclosure:
Accepted: 3/12/2022 3:22:56 PM
ID: 30ab3afb-4b08-4947-a3b4-9ea56aeaacf3

Paul Mullin pzmullin@petersburg-va.org Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:45:04 PM Viewed: 3/29/2024 4:45:40 PM Signed: 3/29/2024 4:46:08 PM
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Electronic Record and Signature Disclosure:
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Garry Cozier gcozier@petersburg-va.org Budget City of Petersburg Signing Group: Finance Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 50.201.83.50	Sent: 3/29/2024 4:46:09 PM Viewed: 4/2/2024 11:10:15 AM Signed: 4/2/2024 11:10:20 AM
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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Delvonte Frenzley dfrenzley@petersburg-va.org HR Signing Group: HR Security Level: Email, Account Authentication (None)	 Signature Adoption: Pre-selected Style Using IP Address: 23.31.102.134	Sent: 4/2/2024 11:10:22 AM Viewed: 4/2/2024 11:36:42 AM Signed: 4/2/2024 11:47:15 AM
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Signer Events	Signature	Timestamp
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Electronic Record and Signature Disclosure:
Not Offered via DocuSign

March Altman
maltman@petersburg-va.org
City Manager
Signing Group: City Manager Group
Security Level: Email, Account Authentication (None)

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Viewed: 4/2/2024 12:22:24 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Paul Mullin
docusign@petersburg-va.org
Security Level: Email, Account Authentication (None)

COPIED

Sent: 3/29/2024 4:45:03 PM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

PAF Group
paf@petersburg-va.org
Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Updated	Security Checked	3/29/2024 4:46:08 PM
Certified Delivered	Security Checked	4/2/2024 12:22:24 PM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, City of Petersburg (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Petersburg:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: gvanvoorhees@petersburg-va.org

To advise City of Petersburg of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at gvanvoorhees@petersburg-va.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Petersburg

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to gvanvoorhees@petersburg-va.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Petersburg

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to gvanvoorhees@petersburg-va.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Petersburg as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Petersburg during the course of your relationship with City of Petersburg.

**AN ORDINANCE TO AMEND CHAPTER 3-16 OF THE CITY
CHARTER CONCERNING THE POWERS AND DUTIES OF THE
COLLECTOR OF TAXES**

WHEREAS, Code of Virginia §§15.2-200 *et. seq.* authorizes and outlines the process for amendment of the City Charter; and

WHEREAS, such amendment requires that City Council adopt an Ordinance outlining the proposed amendment and that such proposed amendment, upon adoption, be presented for consideration by the Virginia General Assembly; and

WHEREAS, Code of Virginia §15.2-202 authorizes the holding of a Public Hearing in lieu of election in order to amend the existing charter; and

WHEREAS, in accordance with §15.2-1427 of the Code of Virginia, notice of an intention to propose the ordinance for passage has been advertised by reference twice, with the first notice being published no more than 28 days before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice, in a newspaper having a general circulation in the City. The publication includes a statement that a copy of the full text of the ordinance is on file in the office of the Clerk of Council; and

WHEREAS, the City currently has a Memorandum of Understanding in place with the City Treasurer to facilitate effective, efficient, and harmonious operations; and

WHEREAS, in accordance with said Memorandum, the City Collector or his/her designee is to be authorized to perform certain duties in addition to current duties, which additional duties include but are not limited to:

- a. Reviewing bank statements and bank transaction for all City bank accounts.
- b. Reconciliation of all information posted to the general ledger of the City's financial system.
- c. Providing documentation to support financial reconciliations and making necessary corrections or adjustments to the general ledger that fall under the purview of the City's Finance Department.
- d. Managing the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the finance Department's Billing and Collection Division.
- e. Closing each month and the fiscal year in the financial system.
- f. Collaborating with the Treasurer to complete pre-audit tasks provided by the external audit firm.

- g. Serve as lead communicator with the external audit firm.

WHEREAS, the City Treasurer has expressed his agreement, in writing, to the delegation of these duties to the Collector of Taxes; and

WHEREAS, it is the wish of City Council to memorialize this agreed upon division of labor in the City Charter.

NOW therefore BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PETERSBURG that City Council for the City of Petersburg hereby requests that the following revisions to Section 3-16, of Chapter 3, of the Charter of the City of Petersburg be approved by the General Assembly and upon enactment, be hereby be amended and re-enacted into the City's charter as follows:

CHAPTER 3 – CITY OFFICERS GENERALLY

Sec. 3-16. Powers and duties of collector of city taxes and collector of delinquent taxes.

The collector of city taxes shall collect all taxes and assessments which may be levied by the city, and perform such other duties as may be herein prescribed or ordained by the council. Said duties shall include but not be limited to the following:

- h. Reviewing bank statements and bank transaction for all City bank accounts.
- i. Reconciliation of all information posted to the general ledger of the City's financial system.
- j. Providing documentation to support financial reconciliations and making necessary corrections or adjustments to the general ledger that fall under the purview of the City's Finance Department.
- k. Managing the general ledger correction and adjustment process including providing direction and support to the Treasurer's Office, and the finance Department's Billing and Collection Division.
- l. Closing each month and the fiscal year in the financial system.
- m. Collaborating with the Treasurer to complete pre-audit tasks provided by the external audit firm.
- n. Serve as lead communicator with the external audit firm.

The collector of city taxes shall keep his office at such place as shall be designated by the city council, and shall keep in such office such books, vouchers and accounts as the city council may direct and prescribe, all of which shall be subject to the inspection and examination of the mayor, members of the council, and of any committee of the council. He shall make report in writing, under oath, to the city treasurer weekly, or oftener, if required, as to the amount of all moneys collected by him, and shall pay the same into the city treasury weekly. At the end of each fiscal year he shall submit to the council a statement of all moneys collected by him during the year, and

the particular assessment or account upon which collected, also a statement showing the amount uncollected.

(Acts 1962, Ch. 259)

In all other respects said Charter of the City of Petersburg shall remain unchanged and be in full force and effect.

DRAFT



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: March Altman, Jr., City Manager

FROM: Joanne Williams

RE: **Public Hearing for Consideration of an Appropriation/Grant from the VA Department of Housing and Community Development (DHCD)/Main Street Program - Pages 188-191**

PURPOSE: A Public Hearing for Consideration for Grant Funding Awarded to the City of Petersburg to Support City and Main Street Petersburg Initiatives.

REASON: A Public Hearing for Consideration for Grant Funding Awarded to the City of Petersburg to Support City and Main Street Petersburg Initiatives.

RECOMMENDATION: Approve.

BACKGROUND: The City of Petersburg applied for a grant from funding designated by the General Assembly to the DHCD Main Street Program (grant title: *FY2025 CRATER PLANNING DISTRICT GRANT*). The City was award a grant in the amount of \$435,500. Grant funds were approved by DHCD to be used for the following through Main Street Petersburg:

- Develop a Citywide Wayfinding Plan
- Façade Assessments and Renderings Program
- Wayfinding and Landscaping Implementation
- Main Street Petersburg Consultant

COST TO CITY: \$54,438 match funding and \$100,000 in-kind City Staff time (Tourism, Planning, Public Works).

BUDGETED ITEM: State Grant Funding

REVENUE TO CITY: Increase in visitation and tourist spending at lodging, dining and retail venues. Improved streetscapes and signage for residents, businesses and tourists.

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Tourism, Planning, Public Works

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. GRANT AWARD LETTER C of P FY25 VMS CDPG Award Letter
2. RESOLUTION TO ACCEPT DHCD GRANT FUNDS AND



Glenn Youngkin
Governor

Caren Merrick
Secretary of
Commerce and Trade

COMMONWEALTH of VIRGINIA

Bryan W. Horn
Director

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

September 24, 2024

March Altman
City Manager
City of Petersburg

Re: FY2025 CRATER PLANNING DISTRICT GRANT (CPDG)

Dear Mr. Altman:

It gives me great pleasure to inform you that the City of Petersburg has been awarded a FY2025 Crater Planning District Grant in the amount of \$435,500.

The Memorandum of Understanding (MOU) between the City of Petersburg and the Department of Housing and Community Development (DHCD) outlining the requirements of this grant is forthcoming. You will be contacted by Rebecca Rowe, Associate Director, to schedule a project onboarding meeting after the MOU has been executed electronically via DocuSign.

DHCD is committed to the success of the City of Petersburg and the Main Street district, and staff works with each grantee to maintain deadlines and programmatic compliance. The project must be completed within 12 months of the MOU execution date. Should any problem arise which prevents completion by this date, a written report must be provided to DHCD explaining why the deadline was not met.

We look forward to working with you on Project Revitalization 2024.

Sincerely,

Sara J. Dunnigan
Deputy Director

C: Rebecca Rowe, DHCD
Courtney Mailey, DHCD
Kyle Meyer, DHCD



Virginia Department of Housing and Community Development | Partners for Better Communities
Main Street Centre | 600 East Main Street, Suite 300 Richmond, VA 23219
www.dhcd.virginia.gov | Phone (804) 371-7000 | Fax (804) 371-7090 | Virginia Relay 7-1-1

**RESOLUTION TO ACCEPT DHCD GRANT FUNDS AND
SUPPORT COLLABORATION WITH MAINSTREET**

WHEREAS, the City of Petersburg applied for a grant from funding designated by the General Assembly to the DHCD Main Street Program (grant title: FY2025 CRATER PLANNING DISTRICT GRANT); and

WHEREAS, the City was award a grant in the amount of \$435,500. Grant funds were approved by DHCD to be used for the following through Main Street Petersburg: Develop a Citywide Wayfinding Plan; Façade Assessments and Renderings Program; Wayfinding and Landscaping Implementation; Main Street Petersburg Consultant; and

WHEREAS, the grant requires the City to provide \$54,438 match funding and \$100,000 in-kind City Staff time (Tourism, Planning, Public Works); and

WHEREAS, Mainstreet has requested that the City provide acknowledgment of its support for Mainstreet initiatives in conjunction with this; and

WHEREAS, the CITY OF PETERSBURG supports the revitalization and economic re-development of its historic commercial district, and

WHEREAS, the CITY OF PETERSBURG views an economically healthy downtown as one of its important assets and realizes that a sustainable town center economy contributes to the community's economic health, and

WHEREAS, THE CITY OF PETERSBURG recognizes its downtown traditional commercial core as representing the history and culture of its community and contributes to the City's tax base, and

WHEREAS, the CITY wishes to support a livable, walkable downtown with opportunities to shop, work, live, and discover recreational, entertainment, cultural, and heritage opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE PETERSBURG CITY COUNCIL:

1. Council authorizes acceptance of the foregoing grant; and acknowledges that
2. The City of Petersburg agrees to work collaboratively with the National and Virginia Main Street program, in partnership with Main Street Petersburg, to create a thriving downtown economic development program through strategies established by the Main Street Center's Main Street Approach; and
2. Agrees to support Main Street in collaboration with the City to achieve economic growth goals.

ADOPTED THIS ____ day of _____ 2024.

ATTEST:

Tangi Hill
Clerk of Council
City of Petersburg, Virginia

Finance Monthly Update

December 17, 2024



DEPARTMENT OF FINANCE

AGENDA

Budget to
Actuals

Earned Interest
Update



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 10.31.2024: 33% of YR Completed	Remaining Budget Balance	% of Budget Expended
CITY COUNCIL	355,765	94,202	261,563	26.48%
CITY MANAGER	930,165	454,481	475,684	48.86%
CITY ATTORNEY	483,217	108,494	374,723	22.45%
HUMAN RESOURCES	783,774	494,034	289,740	63.03%
COMMISSIONER OF REVENUE	485,966	139,297	346,669	28.66%
ASSESSOR	604,870	187,298	442,572	29.74%
CITY TREASURER	326,823	119,369	207,454	36.52%
FINANCE	1,136,311	295,842	864,077	25.51%
CUSTOMER CARE & COLLECTIONS	872,196	218,151	739,045	22.79%
INFORMATION TECHNOLOGY	1,232,838	454,635	778,203	36.88%
PROCUREMENT	355,680	86,426	269,254	24.30%
REGISTRAR	604,892	176,529	428,363	29.18%
CIRCUIT CT. JUDGES & ADMIN	93,991	31,418	62,573	33.43%
GENERAL DISTRICT COURT	53,300	7,570	45,730	14.20%
MAGISTRATES	30,600	7,116	2,784	71.88%
JUVENILE & DOMESTIC RELATIONS	8,750	609	8,141	6.95%
CLERK of the CIRCUIT COURT	995,167	292,737	702,430	29.42%



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 10.31.2024: 33% of YR Completed	Remaining Budget Balance	% of Budget Expended
SHERIFF	2,447,120	710,455	1,736,665	29.03%
COMMONWEALTH ATTORNEY	1,788,485	490,587	1,297,898	27.43%
COMMUNITY CORRECTIONS - CITY	44,802	37,071	7,731	82.74%
VICTIM WITNESS - CITY	26,286	4,056	22,230	15.43%
POLICE DEPARTMENT	10,313,674	3,307,053	7,006,621	32.06%
911 EMERGENCY COMMUNICATIONS	2,117,415	587,464	1,529,951	27.74%
FIRE DEPARTMENT	9,009,509	2,732,802	6,675,454	29.05%
REGIONAL JAIL SERVICE	3,300,000	879,840	2,420,160	26.66%
11th DISTRICT COURT	112,237	31,360	80,877	27.94%
VJCCA SUB-TOTAL	216,725	66,361	150,364	30.62%
CODE ENFORCEMENT	1,410,511	347,762	1,062,749	24.66%
ANIMAL CONTROL	333,215	101,101	232,114	30.34%
ENGINEERING	482,503	292,369	190,134	60.59%
REFUSE COLLECTION	2,000,000	619,736	1,380,264	30.99%
GROUNDS	1,440,625	313,727	1,111,881	22.01%
FACILITIES MANAGEMENT	3,258,851	1,061,050	2,187,801	32.66%
CPO CENTER/VCRC	129,510	28,788	100,722	22.23%



BUDGET TO ACTUALS

GF Department	FY25 BUDGET	Expended Thru 10.31.2024: 33% of YR Completed	Remaining Budget Balance	% of Budget Expended
SOCIAL SERVICES	11,235,878	3,350,966	7,897,412	29.79%
CHILDREN'S SERVICES ACT	4,306,600	1,256,273	3,050,327	29.17%
TRANSFER TO SCHOOLS	12,361,478	4,120,493	8,240,985	33.33%
RECREATION & LEISURE SERVICES	806,878	348,484	471,363	42.51%
CEMETERIES	85,040	13,633	71,407	16.03%
TURF MANAGEMENT	420,508	92,173	328,335	21.92%
GOV'T RELATIONS	1,017,300	238,595	778,705	23.45%
PUBLIC LIBRARY	1,474,049	465,042	1,027,166	31.16%
PLANNING	868,363	296,348	741,325	28.56%
ECONOMIC DEVELOPMENT	520,454	154,024	375,430	29.09%
NON-DEPARTMENTAL	6,780,276	2,435,792	4,381,201	35.73%
DEBT SERVICE	4,181,099	0	4,181,099	0.00%
TRANSFER TO OTHER FUNDS	2,541,226	2,541,226	0	100.00%
TOTALS	94,384,922	30,092,837	65,037,377	31.63%



BUDGET TO ACTUALS

Fund/Department	FY25 BUDGET	Expended Thru 10.31.2024: 33% of YR Completed	Remaining Budget Balance	% of Budget Expended
GRANTS				
Victim Witness Grant - Sub-Total	280,553	94,450	186,103	33.67%
Community Corrections - Sub-Total	533,064	176,987	356,077	33.20%
TOTAL GRANTS FUND	813,617	271,436	542,181	33.36%
STREETS				
Streets Operations Sub-Total	7,973,243	2,624,268	5,348,975	32.91%
PUBLIC UTILITIES				
Wastewater Sub-Total	8,257,414	2,643,114	5,614,300	32.01%
Water Sub-Total	6,876,659	2,703,703	4,172,956	39.32%
TOTAL PUBLIC UTILITIES FUND	15,134,073	5,346,817	9,787,256	35.33%
STORMWATER				
Stormwater Services Sub-Total	1,452,283	357,524	1,094,759	24.62%
DOGWOOD				
Dogwood Golf Sub-Total	1,197,550	536,765	660,785	44.82%
MASS TRANSIT				
Paratransit Sub-Total	246,630	102,121	144,509	41.41%
State/Projects Sub-Total	2,227,273	508,017	1,719,256	22.81%
Administration Sub-Total	3,938,858	1,196,408	2,742,450	30.37%
Maintenance Sub-Total	1,066,204	371,827	694,377	34.87%
TOTAL MASS TRANSIT FUND				



Earned Interest Update

Category	Adopted Budget Projection	Total Funds in Account	NOV Earned Interest	TOTAL EARNED YTD
LGIP Investment Acct (Local Government Investment Pool)	\$1,400,000	\$42,000,000	\$169,363	\$809,396





City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Garry Cozier - Budget Manager

FROM: March Altman, Jr., Petersburg City Public Schools

RE: **Consideration of an Ordinance to Amend and Re-Adopt the FY25 Petersburg City Public Schools Budget to Allocate Additional Funds for Food Service Upgrades, to Include Capital & Operational Improvements - Pages 199-213**

PURPOSE: Consideration of an Ordinance to Amend and Re-Adopt the FY25 Petersburg City Public Schools Budget

REASON:

RECOMMENDATION: Adopt ordinance & amend FY25 budget

BACKGROUND: PCPS is requesting an additional allocation from The City of Petersburg in the amount of \$1,500,000, and an amendment to their own approved food service budget in the amount of \$2,000,000. The total amendment amount is \$3,500,000.

COST TO CITY: \$1,500,000

BUDGETED ITEM: No

REVENUE TO CITY: N/A

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES: Petersburg City Public Schools

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: 24-ORD-15 School Division Budget

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Ordinance - PCPS Allocation Request
2. VDOE Conditions Assessment_Petersburg School Cafeterias_9.09.24

3. PCPS - Unspent City Funds 09.19.24

AN ORDINANCE TO ALLOCATE ADDITIONAL FUNDS TO PETERSBURG CITY PUBLIC SCHOOLS (PCPS) FOR FOOD SERVICE UPGRADES TO INCLUDE CAPITAL & OPERATIONAL IMPROVEMENTS

WHEREAS, the FY25 budget for Petersburg City Public Schools was adopted on May 21, 2024; and

WHEREAS, per Code of Virginia 15.2-507, a budget amendment is required when altering the appropriated amounts of the adopted budget; and

WHEREAS, a budget amendment is necessary to increase the funding level to Petersburg City Public Schools; and

WHEREAS, Section 22.1-100 of the Code of Virginia requires that funds which have been appropriated by the locality to the Public Schools which remain unexpended by the end of the fiscal year must be returned to the City's General Funds; and

WHEREAS, the City may elect to reappropriate unexpended funds to the Public Schools based upon request; and

WHEREAS, the PCPS School Board has made a formal request for an additional allocation of funds, in the amount of \$1,500,000; and

WHEREAS, the PCPS School Board is requesting to amend the Food Service Fund, in the amount of \$2,000,000; and

WHEREAS, these funds are designated to address critical infrastructure needs in the school cafeterias; and

WHEREAS, the funds are essential to support both capital improvements and operational upgrades for the school cafeterias.

NOW THEREFORE BE IT ORDAINED that City Council does hereby amend and re-adopt the PCPS FY25 budget and allocate an additional \$3,500,000 to be used for Food Service upgrades.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF EDUCATION

On-Site Conditions Assessment of Four Petersburg School Kitchens/Cafeterias Conducted on 9/5/2024

Background

Petersburg City Public Schools requested the Virginia Department of Education (VDOE) conduct conditions assessments of the cafeteria and kitchen areas at Walnut Hill Elementary, Vernon Johns Middle School, Petersburg High School, and the 6th Grade Academy at Blandford. VDOE staff from the Office of Support Services visited Petersburg on September 5, 2024, and met with the Assistant Superintendent of Student Services and the School Nutrition Supervisor to discuss their concerns and collect background information.

At each of the four schools, VDOE staff surveyed the loading dock areas and both the kitchen and cafeteria spaces including the interior and exterior walls, floors, doors, windows, ceilings, kitchen equipment and equipment connections for disrepair, leaks, visible mold, wall and floor holes, paint conditions, and overall condition of the spaces. Sandra Stokes, Petersburg's School Nutrition Supervisor, informed VDOE staff that the cleaning of the kitchen and cafeteria seating areas are divided among division staff. The kitchen staff is responsible for cleaning the kitchen and serving lines, while the school's custodial staff is responsible for cleaning the cafeteria seating areas.

This report includes assessment findings by VDOE staff at the four schools surveyed and recommended actions that the Petersburg school division should implement to improve the identified deficiencies in the kitchen and cafeteria at each school. These detailed findings and recommendations by school are listed in Attachment A. Many of the improvements can be implemented with minimum disruption to the school nutrition operation at these schools and allow meal service for students to continue during the school year without disruption. Petersburg City Public Schools should coordinate all repair and improvement schedules with the division School Nutrition Supervisor.

In addition, the section below highlights critical, immediate actions that Petersburg City Public Schools must take to improve the conditions and operations of the cafeteria and kitchen spaces in the four schools assessed and in other division schools if similar conditions exist in other schools.

Immediate Action Steps:

- The school division has no preventive maintenance contract in place for the kitchen facilities and equipment at any Petersburg public school. To ensure compliance with building and health codes, Petersburg should secure such a contract covering comprehensive preventive maintenance of the kitchen spaces and equipment at each school in the division. In the interim, school division maintenance staff should focus their efforts on immediate maintenance items at each school as listed in Attachment A.
- The division should hire or reassign one qualified school maintenance staff primarily assigned to the school cafeterias/kitchens in the division.
- To ensure compliance with health codes and food safety practices and increase effectiveness of cafeteria operations, the school division should immediately repair or replace any inoperable kitchen equipment, particularly refrigerators, freezers, or dishwashers. Each school assessed had some inoperable kitchen equipment. Immediate steps should be taken to ensure proper refrigeration of milk and perishable food at each school. Inoperable equipment observed needing immediate repair and replacement include:
 - Walnut Hill Elementary School: The steam kettle, air conditioning system, and dishwasher are not functioning. Immediately repair or replace.
 - Vernon Johns Middle School: The combi oven and dishwasher are not functioning, and the walk-in cooler is not functioning adequately. Immediately repair or replace.
 - Petersburg High School: The dishwasher and steam kettle are not functioning; the walk-in freezer temperature control system is not functioning adequately. Immediately repair or replace.
 - 6th Grade Academy at Blanford: The dishwasher and air conditioning system are not functioning. Immediately repair or replace.
- To ensure food safety, immediate steps should be taken to provide clean food storage areas where cleaning supplies or non-food items are not stored.
- To comply with building codes and ensure food safety, observed electrical and gas line deficiencies and trip hazards in kitchens, storage areas, and cafeteria seating areas should be immediately corrected, persistently clogged drains in kitchens should be repaired, and eroded wall and ceiling surfaces in kitchens and storage areas repaired.
- To improve safety and security, secure access should be installed on kitchen entry doors from the cafeteria seating areas and on supply and food storage room doors.
- To comply with health code requirements, the school division should ensure intensive daily custodial services are provided in the cafeteria seating areas of its schools to increase sanitation/cleanliness and improve the overall environment for its students and staff. The division should add or reassign custodial staffing sufficient to ensure effective daily custodial services are provided in the cafeterias at all schools in the division or supplement custodian staff with contract cleaning services.
- School kitchen staff should continue their daily cleaning protocols in the kitchen areas. The division should hire one additional qualified kitchen staff per school to help with overall daily kitchen operations and daily cleaning.
- Immediate attention should be given to flooring (refinishing or replacing) and lighting

conditions in the cafeteria seating areas of the schools surveyed, as detailed in Attachment A.

- All four schools surveyed have large air purifiers in the cafeterias. None were plugged in during the assessment and it was not determined if they are broken or not used. If the units are not operable, they should be repaired to improve air quality/ventilation in the cafeteria seating areas.

Lastly, the VDOE assessment team commends the Petersburg School Board and the division superintendent and staff for the following:

- The overall quality of the housekeeping efforts in the kitchen areas by the kitchen staff within aged kitchen facilities.
- Dedication by kitchen staff to providing food service for students at each of the four schools we visited.
- The decision to purchase and install new kitchen equipment over the past several years at each of the four schools the VDOE team visited.

Attachment A: Detailed Conditions/Improvement Recommendations at the Four Petersburg Schools Assessed on 9/5/2024

Conditions/Improvement Recommendations for Walnut Hill Elementary School

Grades K-5; site acreage: 11.2 acres

Constructed in 1952; addition and renovations: 1954, 1959, 1967, 1996, and 2012 multipurpose addition.

Walnut Hill Elementary School is an older building in need of major renovations. The roof is currently being replaced. During the VDOE's walkthrough of the kitchen and cafeteria, we observed multiple items that need immediate attention as summarized below.

Building deficiencies in the kitchen and cafeteria that should be prioritized and can be handled with minimal disruption:

- Sink drains are partially clogged and drain slowly. Drain lines need to be unclogged to allow ample drainage.
- The VCT flooring in the cafeteria is dirty/sticky and needs to be cleaned daily. The VCT tile should be stripped and re-waxed on a consistent schedule.
- The exterior entrance to the kitchen has a wooden door and wooden screen door. Both doors are worn and do not have proper locking devices. These doors should be replaced with metal exterior grade doors and code compliant hardware.
- There is no air conditioning in the cafeteria and kitchen, and the existing HVAC is not adequate for the space. It should be repaired and/or replaced.
- The crawl space located under the kitchen has a door that is not properly secured and can

be easily opened and accessed. Secure this door with locking hardware.

- Walls in the kitchen and cafeteria need to be patched and painted.
- The light fixtures should all have lens covering the bulbs.
- The dry food storage room should have a keypad lock for securing the space.
- In the dry food storage area, there is a boarded-up window. It should be properly blocked off and sealed. Once the roof construction is completed, all ceiling tiles in the cafeteria and serving lines should be replaced.
- A former pass-through window into the former dishwashing area from cafeteria that is no longer in use should be trimmed out completely.
- In the cafeteria, several of the ceiling light fixture lens covers are covered with a loose decorative fabric covering. These need to be removed to increase the light levels to brighten the space. Lighting fixtures should never be covered with any material.
- The custodial closet has a hole in the wall that should be repaired.
- In the dry food storage, the radiators are rusted and the paint peeling. These should be scraped and repainted. If the radiators are not functional, they should be replaced or removed if the system was abandoned.
- The fly fan at the exterior entrance to the kitchen is not functional and should be repaired or replaced.

Building deficiencies that should be scheduled to be addressed as soon as possible

- Several existing loading dock bumpers are missing, and the remaining ones should be replaced.
- Interior doors throughout the kitchen and cafeteria are in poor condition and the hardware is not ADA compliant. Most doors do not have a locking device. Replace the doors and door hardware with code compliant doors and hardware.
- The VCT flooring in the kitchen is stained and should be replaced.
- The dryer in the kitchen is not vented to the exterior.
- Existing steel frame windows in the cafeteria and kitchen are rusted, leaking, and not insulated. They should be replaced.
- The dumbwaiter in the dry food storage has been closed off. Verify that the power has been disconnected for safety reasons.

Other items that should be considered for long-term improvements:

- The cafeteria office is not adjacent to the loading dock so there is no visual control for the kitchen manager for deliveries.
- The walk-in freezer is located in the cafeteria which is inconvenient for the kitchen staff and reduces the available space for student tables.
- The walk-in freezer should have a shroud installed to the underside of the roof deck.
- No electronic security at the entrance door to the kitchen.
- Paper products are stored in the unused dishwashing area along with fruit and bread. These items should have their own storage areas.
- Proper storage for the empty bread racks and other delivery items should be provided.

- Staff toilets are not ADA compliant.
- There are no staff lockers to store personal items.
- The division should replace the lights with LED fixtures that provide proper lighting footcandles for the kitchen/cafeteria that meet VDOE Guidelines.
- An abandoned vent pipe remains in the ceiling in the custodial closet from a previously removed system. It should be removed, and the ceiling repaired.

Conditions/Improvement Recommendations for *Vernon Johns Middle School*

Grades 7-8; site acreage: 16.87 acres

Constructed in 1972; addition and renovations: 1998

Vernon Johns Middle School is a newer building in the division and in need of some renovations. The roof is currently being replaced. The paint on the walls in the kitchen and cafeteria is new and in good condition. The air conditioning is working in the kitchen and cafeteria. During the VDOE's walkthrough of the kitchen and cafeteria, we observed multiple items that need immediate attention.

Building deficiencies in the kitchen and cafeteria that should be prioritized and can be handled with minimal disruption are as follows:

- There is exposed electrical wiring underneath a sink. This should be reinstalled in conduit immediately.
- The dry food storage room should have a keypad lock for securing the space.
- The roof is currently being replaced and the contractor is using the parking lot/loading dock outside of the kitchen entrance for their staging area. This is obstructing the clearance required for delivery trucks to the kitchen and waste management access to the dumpsters located in this parking lot. The construction activity has also damaged the parking lot and there are several large potholes holding water outside the kitchen entrance that is impacting deliveries to the kitchen and staff access to the dumpsters. Once the roof construction is completed the parking lot should be repaired.
- Once the roof construction is completed, all ceiling tiles in the cafeteria and serving lines should be replaced.
- The VCT flooring in the cafeteria is dirty/sticky and needs to be cleaned daily. The VCT tile should be stripped and re-waxed on a consistent schedule.
- The quarry tile flooring in the kitchen and serving lines is in good condition but in need of professional cleaning.
- Walls in the kitchen and cafeteria have some small areas to be patched and painted.
- Door jambs in the kitchen and serving lines are showing signs of wear and tear and should be painted.
- Ceiling vents in the dry food storage area need cleaning
- The exterior entrance to the kitchen has a wooden door and wooden screen door. Both doors are worn and do not have proper locking devices. These doors should be replaced with metal exterior grade doors and code compliant hardware.

- The fly fan above the exterior entrance to the kitchen is not functional and should be repaired or replaced.
- Install a missing ceiling tile within the ceiling grid in the former dishwashing area.

Building deficiencies that should be scheduled to be addressed as soon as possible:

- The dumpsters should be relocated closer to the kitchen entrance with an accessible pathway for staff to remove trash.
- A concrete pad should be installed at the relocated dumpster location. Currently there is no concrete pad in the area for the dumpsters. Hose access for rinsing trash bins is needed.
- Interior doors are in poor condition and the hardware is not ADA compliant. Most doors do not have a locking device. Replace the doors and door hardware with code compliant doors and hardware.
- The custodial closet is secured with a padlock and clasp. It should have new door hardware installed with a cylinder lock.

Other items that should be considered for long-term improvements are as follows:

- Paper products are stored in the unused dishwashing area along with fruit and bread. These items should have their own storage areas.
- Kitchen equipment is plugged into receptacles that are accessible by students in the serving line or are a tripping hazard. They should be relocated to work with the newer serving lines.
- The division should replace the lights with LED fixtures and provide proper lighting footcandles for the kitchen/cafeteria.
- Staff toilets are not ADA compliant.
- There are no staff lockers to store personal items.

Conditions/Improvement Recommendations for Petersburg High School

Grades 9-12; site acreage: 50 acres

Main high school building constructed 1974; additions and renovations 1993, elevator 1996, Vocational addition 2000, campus style school.

Petersburg High School needs renovations. The cafeteria has terrazzo flooring that has been well maintained and is clean. New paint and bright colored murals make the serving area brighter and more appealing. The cafeteria lighting is bright and adequate. During the VDOE's walkthrough of the kitchen and cafeteria, we observed multiple items that need immediate attention.

Building deficiencies in the kitchen and cafeteria that should be prioritized and can be handled with minimal disruption are as follows:

- The building corner at the kitchen entrance has been damaged by a vehicle running into it and the masonry is cracked and open to the elements. This corner should be repaired.

- There is also a natural gas pipe at this same corner that is unprotected and there is a high probability it will be hit by a vehicle. A bollard should be installed in this area to protect both the gas pipe and building.
- Exterior entrance to kitchen has a wooden door and wooden screen door. Both doors are worn and do not have proper locking devices. These doors should be replaced with metal exterior grade doors and proper hardware.
- The kitchen ceiling and kitchen vent hood shroud both have water damage. These areas should be patched and repaired.
- The ceiling located above the 3-compartment sink has water damage. This area should be patched and repaired.
- Once the kitchen ceiling repairs are completed, the entire kitchen should be painted.
- In the dry food storage area, there is a hole cut into the ceiling that has been there for several years according to the kitchen staff. Next to the hole is a piece of plywood that is damaged and falling. This area of the ceiling needs to be closed in and properly repaired.
- The walk-in cooler and freezer condensate lines lead to a floor drain in the dry food storage. This drain and the floor around it need cleaning and repairs.
- The kitchen manager's office restroom ceiling has a hole where the light fixture was located, and debris has collapsed into the toilet and on the floor. The ceiling should be repaired, a new light installed, and the ceiling painted. When the work is completed, the area should be thoroughly cleaned.
- The door jambs at the serving line into the kitchen and cafeteria are showing signs of wear and tear and should be repainted.
- Replace falling and stained ceiling tiles in the cafeteria.
- Some of the thresholds in the doorways from the serving lines to the kitchen are missing tiles and are tripping hazards. Tiles should be installed to make floor even and safe for staff going between the two areas.

Building deficiencies that should be scheduled to be addressed as soon as possible are as follows:

- The kitchen loading dock does not have a permanent ramp to use to bring deliveries into the kitchen area. A wooden ramp has been built over the stairs on one side. It does not have a curb at the edges and when it is wet it is very slippery. An appropriate concrete or metal ramp should be provided and installed in this location.
- The iron gate enclosing the exterior chiller outside the kitchen door is damaged, falling off the hinges and unsecured. It should be repaired and kept locked.
- In the kitchen manager's office, the wall-mounted space heater is not working. It should be repaired prior to the heating system being turned on for the winter.
- The kitchen manager's office is not properly ventilated. It was unclear during our visit if the HVAC system is operating properly. It should be examined by the school division's maintenance staff.
- Floor outlets within the food preparation area that are rusted should be replaced.
- The quarry tile flooring in the kitchen and serving lines are in good condition but in need of professional cleaning.

- Interior doors between the cafeteria and kitchen are in poor condition and the hardware is not ADA compliant. Most doors within the kitchen and cafeteria do not have a locking device. Replace the doors with code compliant doors and hardware
- Repair the holes in the kitchen wall under the 3-compartment sink.

Other items that should be considered for long-term improvements are as follows:

- Under the vent hood there are exposed copper gas lines in the kitchen floor that are capped off and covered with loose white plastic containers. The unused capped gas lines are trip hazards and should be removed or capped flush with the floor immediately.
- Shelving is being used for paper product storage in the corner of the kitchen using exterior grade chain link fencing with a locked gate. This area should be a walled off room with a secure door instead of fencing.
- Staff toilets and locker area have damaged ceilings. These should be repaired and made ADA compliant.
- The staff lockers are rusted, and many do not have locks. The lockers should be replaced.
- Both kitchen and custodial items are stored in the unused dishwashing area and are unsecured. These items should have their own locked storage areas.

Conditions/Improvement Recommendations for 6th Grade Academy at Blandford

Grade 6; site acreage: 5.49 acres

Main Building constructed in 1939; additions & renovations 1955, 1963, and 1996 (ADA)

The 6th Grade Academy at Blandford has had some recent renovations including a new roof installation and window replacement. The ceilings are in good condition. During the VDOE's walkthrough of the kitchen and cafeteria areas, we observed multiple items that need immediate attention.

Building deficiencies in the kitchen and cafeteria that can be handled with minimal disruption are as follows:

- Exterior entrance to kitchen has a wooden door and wooden screen door and are not closing securely. Both doors are worn and do not have proper locking devices. These doors should be replaced with metal exterior grade doors.
- Air gaps at the sinks were installed during the summer and wall tiles were cracked and left unrepaired at the interior corner. Additionally, holes were cut in the tile to access the piping. 1/4" plywood was face screwed over the opening. The tile should be replaced where damaged and opening infilled with either tile or a more durable material than 1/4" plywood.
- Some exterior windows were removed in several of the kitchen storage areas and the openings have been covered by exterior EIFS panels. The EIFS is not caulked around the perimeter and around the flashing. This is allowing water to into the masonry wall and

damaging the interior of the building. This should be corrected and then the interior walls patched, repaired, and painted.

- Glass is broken in the window in the dry food storage room which is permitting water and cold/hot conditions to penetrate depending on the season. Replace the broken glass.

Building deficiencies that should be scheduled to be addressed as soon as possible are as follows:

- Signs of water damage, infiltration, and staining at the brick rows above the now covered windows into the dry food storage room.
- Interior doors are in poor condition and the hardware is not ADA compliant. Most doors do not have a locking device. Replace the doors and door hardware with code compliant doors and hardware. The exterior door in the hallway across from the stage entrance and close to the custodial office is damaged and does not close properly. This is allowing water to penetrate during storm events. Replace the door with a code compliant door and hardware.

Other items that should be considered for long-term improvements are as follows:

- The parking lot was recently paved at the loading dock which is also the entry to the back parking area. It is narrow and difficult for deliveries and waste management vehicles to access the dumpsters. The division should consider reworking vehicular access to this area.
- It appears that the paving may have covered the weep holes in the exterior brick walls, trapping water. New weep holes need to be installed.
- The hose bib on the side of the exterior wall does not appear to be operable. It has been locked with security hardware that is rusted shut. Replace the hose bib with operable and locking components.
- The roof hatch ladder is in the custodial closet. There is no room for shelving to hold cleaning supplies, so they are stored elsewhere.
- The roof hatch cover is made of wood and not secured with any locking device. There is water damage on the ceiling and mold from it not being closed completely. A pre-manufactured secure roof hatch and curb should be installed in this area. The door into the roof hatch ladder and custodial closet should be locked.



Office of the Acting Superintendent
YOLONDA C. BROWN

Petersburg City Public Schools
255 South Blvd. East
Petersburg, VA 23805
P: 804-518-6306
F: 804 325-8961

September 18, 2024

The Honorable
Samuel Parham
Mayor of Petersburg Virginia
City Hall
Petersburg, VA 23803

Dear Mayor Parham,

On behalf of the Petersburg City Public School Board, I am writing to formally request an allocation of \$1.5 million from unspent City funds to address critical infrastructure needs in our school cafeterias. These funds are essential to support both capital improvements and operational upgrades that are necessary for the continued delivery of high-quality food services to the students of Petersburg City Public Schools.

As you are aware, in August 2024, \$6.1 million was swept from the School Division's balance sheet back to the City accounts. This action has placed constraints on the Division's ability to fund key projects across the division, particularly within our school cafeterias. Several of our cafeterias require significant investments, both capital and operational, including the repair and replacement of outdated equipment and systems that are vital to daily food service operations.

In addition to the \$1.5 million we are requesting, the school division will contribute an additional \$2 million from our Food Service Fund to help complete these necessary projects. The combined funding will enable us to address pressing capital needs, such as the replacement of large kitchen appliances and infrastructure upgrades, as well as support ongoing operational requirements, including equipment repairs and improvements to service efficiency.

These efforts are part of a broader initiative resulting from an operational audit of the school division conducted by the Virginia Department of Education. The audit identified several critical areas for improvement in our food service operations, and we are currently developing detailed plans to address these needs. The School Division's plan will focus on both short-term repairs and long-term enhancements to ensure that our cafeteria infrastructure remains reliable and capable of meeting the needs of our students and staff.

We respectfully ask the City Council to consider this request to allocate \$1.5 million of City funds that will then be combined with the Food Service Fund's \$2.0 million to support these crucial projects. Your support will ensure that our school cafeterias continue to function efficiently and provide a safe, modern environment for meal preparation and service.



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Thank you for your attention to this matter, and we look forward to working together to address these urgent needs for our schools.

Sincerely,

Mr. Kenneth Pritchett

School Board Chair

Petersburg City Public Schools Board

cc: Petersburg City Council, Petersburg City School Board

For Information: March Altman, Yolonda Brown

=====

Thanks,

John Wallingford

PCPS

571-722-8877



City of Petersburg

Ordinance, Resolution, and Agenda Request

DATE: December 17, 2024

TO: The Honorable Mayor and Members of City Council

THROUGH: Naomi Siodmok, Director of Planning and Community Development

FROM: March Altman, Jr.

RE: **Resolution Accepting the Donation of Trees from Virginia State University for Farmer Street Park - Pages 214-219**

PURPOSE: To accept the donation of trees, mulch, and tree protection supplies at the cost of about \$15,000 from Virginia State University to plant in Farmer Street Park.

REASON: The City of Petersburg has been coordinating with ANU Foundation and Virginia State University to replant Farmer Street Park. This resolution accepts the donation of trees to the City in the amount of almost \$15,000.

RECOMMENDATION: Approval

BACKGROUND: The City has been coordinating with the ANU Foundation, Virginia State University, and the Green Infrastructure Center to beautify, manage water, and reduce heat island at Farmer Street Park for close to a year now. Just recently has funding, tree type, and planting season aligned to advance this tree planting on December 19th. Prior to doing such, Council must accept the tree donation from VSU.

COST TO CITY:

BUDGETED ITEM:

REVENUE TO CITY:

CITY COUNCIL HEARING DATE: 12/17/2024

CONSIDERATION BY OTHER GOVERNMENT ENTITIES:

AFFECTED AGENCIES:

RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:

REQUIRED CHANGES TO WORK PROGRAMS:

ATTACHMENTS:

1. Resolution Accepting a Gift of Trees from Virginia State University for Farmer Street Park
2. Final Farmer street tree quote
3. Farmers Street Park_Proposed Tree Plan

Resolution Accepting a Gift of Trees from Virginia State University for Farmer Street Park

Whereas, the City of Petersburg is committed to enhancing its public spaces, promoting environmental sustainability, and improving the quality of life for its residents; and

Whereas, Farmer Street Park serves as an important community asset, providing recreational opportunities and contributing to the health and well-being of Petersburg residents; and

Whereas, Virginia State University has offered a generous gift consisting of 70 trees at the cost of approximately \$15,000 as well as mulch and tree protection to enhance the natural beauty and ecological health of Farmer Street Park; and

Whereas, the planting of additional trees at Farmer Street Park aligns with the City's goals of increasing urban tree canopy coverage, improving air quality, mitigating urban heat, and supporting local biodiversity; and

Whereas, the City Council recognizes the long-term benefits of this gift, including creating shaded areas for park visitors, reducing stormwater runoff, and fostering a sense of pride and connection to the natural environment among residents; and

Whereas, accepting this gift represents a collaborative partnership between the City of Petersburg and Virginia State University, demonstrating a shared commitment to the betterment of the community;

Now, Therefore, Be It Resolved by the City Council of the City of Petersburg, Virginia:

1. The City Council formally accepts the generous gift of 70 trees at the cost of approximately \$15,000 as well as mulch and tree protection devices from Virginia State University for the benefit of Farmer Street Park.
2. The City Council expresses its gratitude to Virginia State University for its commitment to enhancing the City's public spaces and its dedication to fostering community partnerships.
3. The City Council directs the City Manager and relevant City departments to coordinate with Virginia State University on the logistics of planting and maintaining the trees in Farmer Street Park.

Order

***** ORDER ACKNOWLEDGEMENT -- DO NOT PAY FROM THIS DOCUMENT *****

***** Duplicate *****



Colesville Nursery

PO BOX 208
Ashland, VA 23005
Phone: (804) 798-5472 Toll Free (800)856-6773
sales@colesvillenursery.com - www.colesvillenursery.com
Fax: (804) 752-6722

Page: 1
Order#: 1-727162
Ticket date: 11/21/24

Sold to:
VIRGINIA STATE UNIVERSITY
PO BOX 9075
PETERSBURG, VA 23806

Ship to:
VIRGINIA STATE UNIVERSITY
PETERSBURG, VA 23806
Phone: 804.524.5266

Customer #:	Ship date:	Ship-via code:	Customer PO#:	Sales Rep:	Terms:
685	12/05/2024	DEL		KLK	Cash On Delivery
Quantity	CODE	DESCRIPTION	Price	Selling unit	Ext prc
4	TD3H8	TAXODIUM distichum (Bald Cypress) 15G /7-8'	135.00	EACH	540.00
7	NSW3H15G	NYSSA sylvatica WILDFIRE 15g/8-9'/1.25"	140.00	EACH	980.00
8	CEC3H15G	CERCIS canadensis (Eastern Redbud) 15g/<1"/7'	155.00	EACH	1,240.00
3	QC2C2	QUERCUS coccinea (Scarlet Oak) B&B / 2"/10'+	260.00	EACH	780.00
7	AAB2C1.25	AMELANCHIER x grand. AUTUMN BRILLIANCE Single Stem B&B/1.25"/8'+	195.00	EACH	1,365.00
7	MGV2H8	MAGNOLIA virginiana (Sweetbay Magnolia) B&B/8-10'	245.00	EACH	1,715.00
7	AB2C2	ACER buergerianum (Trident Maple) B&B/2"/10'	210.00	EACH	1,470.00
3	LSH2C1.75	LIQUIDAMBAR styraciflua HAPPIDAZE™ ("seedless") B&B/1.75"	200.00	EACH	600.00
3	OV2C2	OSTRYA virginiana (Am. Hophornbeam, Ironwood) B&B/2"/12'+	290.00	EACH	870.00
2	GBPS3H6	GINKGO biloba PRINCETON SENTRY® 15g/6-8'/1"	205.00	EACH	410.00
1	GBAG3H6	GINKGO biloba AUTUMN GOLD 15g/6-8'/1.25"	205.00	EACH	205.00
1	QN3H25G	QUERCUS nuttallii/texana (Nuttall/Texas Red Oak) 25G/2"/10'+	215.00	EACH	215.00
1	QN3H15G	QUERCUS nuttallii/texana (Nuttall/Texas Red Oak) 15g/8-10'/1.5"	140.00	EACH	140.00
1	QS2C3	QUERCUS shumardii (Shumard Oak) B&B / 3"	380.00	EACH	380.00
4	BTNH3H15G	BETULA nigra HERITAGE ('Cully') 15g/8-10'/multi	125.00	EACH	500.00
3	MGB3H15G	MAGNOLIA grandiflora BRACKEN'S BROWN BEAUTY 15g / 6-7'h	120.00	EACH	360.00
3	CORK2C1.75	CORNUS kousa (Chinese Dogwood) B&B/1.75"+/6-7'	235.00	EACH	705.00
1	MGSO3H10G	MAGNOLIA x SOULANGEANA (Saucer Magnolia) 10G	160.00	EACH	160.00
2	MGRS2H5	MAGNOLIA stellata ROYAL STAR B&B/5-6'	165.00	EACH	330.00
1	DF1	Basic Delivery Fee - Under 50 Miles Basic Delivery	1,166.85	Each	1,166.85

Order

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Colesville Nursery

PO BOX 208
Ashland, VA 23005
Phone: (804) 798-5472 Toll Free (800)856-6773
sales@colesvillenursery.com - www.colesvillenursery.com
Fax: (804) 752-6722

Page: 2

Order#: 1-727162

Ticket date: 11/21/24

Sold to:

VIRGINIA STATE UNIVERSITY
PO BOX 9075
PETERSBURG, VA 23806

Ship to:

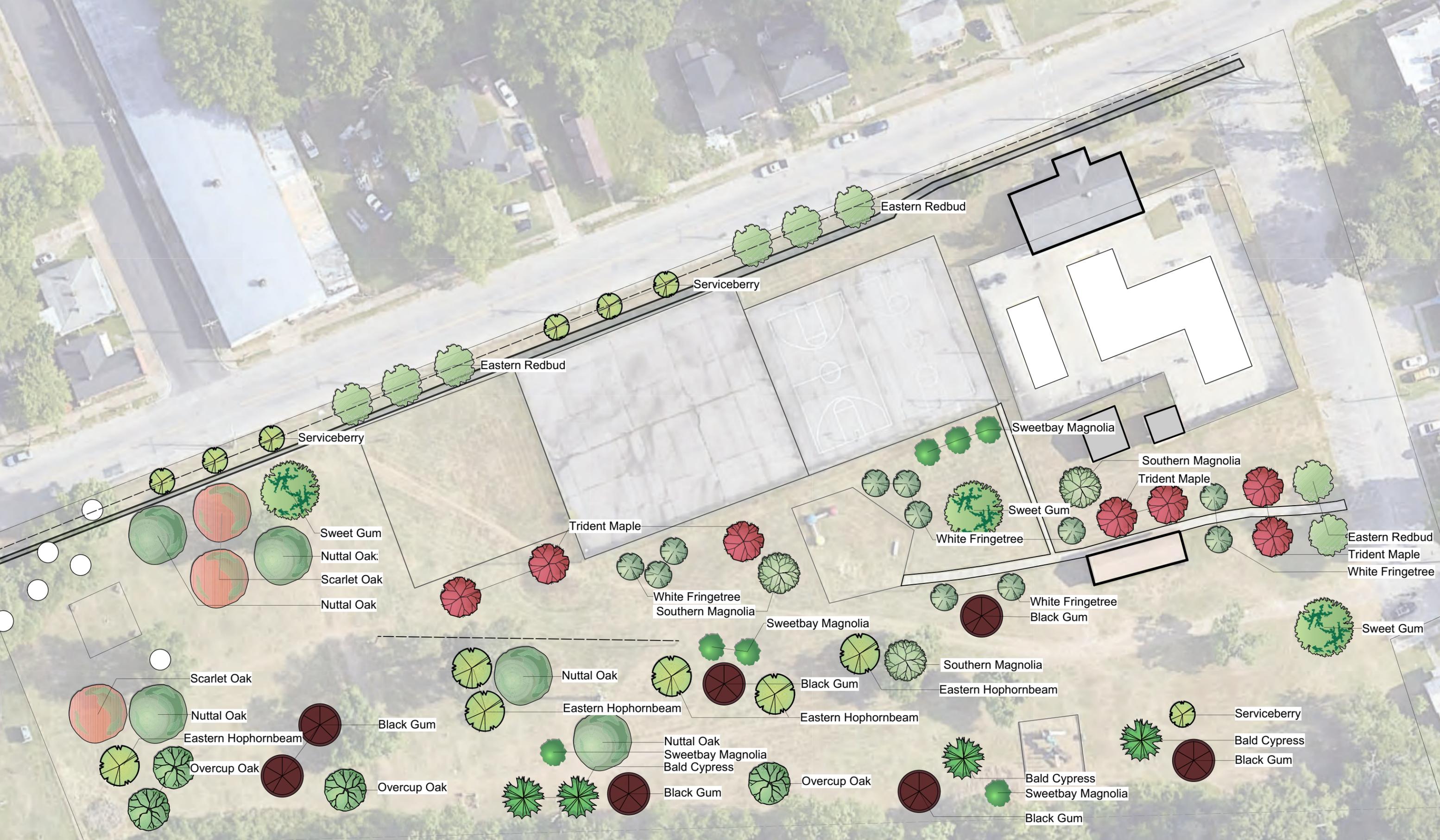
VIRGINIA STATE UNIVERSITY
PETERSBURG, VA 23806
Phone: 804.524.5266

Customer #: 685	Ship date: 12/05/2024	Ship-via code: DEL	Customer PO#:	Sales Rep: KLK	Terms: Cash On Delivery	
Quantity	CODE	DESCRIPTION		Price	Selling unit	Ext prc

User: KLK	Total line items: 20	Order subtotal:	14,131.85
		Tax amount:	0.00
		Order total:	14,131.85
		Order amt due:	14,131.85

*** ORDER ACKNOWLEDGEMENT -- DO NOT PAY FROM THIS DOCUMENT ***

Hours: M-F 7:30-4:30 SAT 8-1:00
NO GUARANTEE FOR WHOLESALE INVOICES
PLEASE TARP YOUR TRUCK
NO CREDIT/REFUND WITHOUT COPY OF INVOICE
Retail Guarantee: 6m 1/2 of purchased price towards a replacement



1 **Farmer Street Park**
 Scale: 1" = 50'-0"

*Currently under revision based on location feedback and species availability.
 Page 219 of 219